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University of Glasgow

College of Social Sciences

Transnational Resources and LGBTI+ Activism in Nepal

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Submitted in fulfilment of the requirements for the Degree of Doctor of Philosophy

School of Social and Political Sciences

College of Social Sciences

University of Glasgow

September 2019

Abstract

This thesis presents an analysis of the differential power relationships experienced by three LGBTI+ (lesbian, gay, bisexual, transgender, intersex and others) non-government organisations (NGOs) in Nepal. It centres on the main argument that resources, networks and collective organisational identities interact in a cyclical manner whereby an organisation's access to one reinforces its access to and utilisation of the others. However, due to the nature of resources and networks and their relationships with organisational identities, NGOs with different organisational identities have hierarchical access to resources and networks whereby some organisations are better able to utilise a cyclical effect than others. These arguments are drawn from qualitative interviews with a total of 71 participants including activists, their allies and donors, as well as from participant observations and document analysis. The study provides a distinctive analytical framework for the study of social movements in the Global South by using a multi-institutional politics approach to include within analysis multiple sources of power, combining this with an emerging regional approach.

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Acknowledgement

I am very grateful to the activists and allies I met during the course of my study for trusting me with their stories and for being kind with mine. This study would not have been possible without their patience, generosity and knowledge, and certainly not without their tireless activism. I would especially like to thank activists from the Blue Diamond Society, Mitini Nepal and Inclusive Forum Nepal, including many other independent activists and allies who have provided invaluable insights for this study but will have to remain anonymous in order to maintain confidentiality.

I am most grateful to my supervisors Dr Matthew Waites and Dr Kelly Kollman who have guided and supported me with patience and kindness till the end, and with strong words whenever needed. I would especially like to thank Matthew for encouraging my engagements outside of the PhD which made the experience so much richer, and Kelly for the consistent support so essential in the final months. The PhD would not have been possible without the generous scholarship and research grants provided by the College of Social Sciences, University of Glasgow, and the Fran Trust of Foundation Scotland. Thanks are also due to Dr Mo Hume, Dr Andrew Smith as well as the administrative and janitorial staff at the School of Social and Political Sciences, University of Glasgow for their kindness.

I would like to express my appreciation for the assistance, guidance and/or critical feedback provided at various points in this study by Dr Adnan Hossain, Aapurv Jain, Dr Bhaskar Gautam, Dr Chayanika Shah, Danny Coyle, Darshan Karki, Dr David Jofré, Durga Thapa, Dr Feyzi Ismail, Garima Adhikari, Gurpreet Sidhu, Professor Ian Harper, James Sharrock, Dr Janak Rai, Dr Jennifer Ung Loh, Kalpana BC, Kripa Basnyat, Kyle Knight, Laxmi Ghalan, Professor Laura Kunreuther, Manisha Dhakal, Niranjan Kunwar, Orijit Sen, Parsu Rai, Dr Paul Boyce, Pramada Menon, Priyankar Chand, Dr Rahul Rao, Raj Merchant, Rukshana Kapali, Salina Tamang, Dr Sneha Bannerjee and Sunil Babu Pant. I would also like to acknowledge the work of Raman Joshi who meticulously transcribed many of the interviews in Nepali.

The most difficult months were made bearable by the camaraderie I found in what started as the Glasgow Global South Researchers' Group, fellow tutors in Sociology, and friends within the Sustainable, Healthy and Learning Cities and Neighbourhoods Project at the University of Glasgow. I am also very thankful for the friendship and wisdom of various people along this long journey including Amina Singh, Darshan Karki, Erika Mandreza Sales, Gina Rocafort Gatarin, Hedda van Heijzen, Hellen Venganai, Kailash Rai, Liana Chase, Liyuan Zhuang, Madhura Chakraborty, Mengxi Pang, Mynt Chansilpa, Normahfuzah Ahmad, Pranika Koyu, Priyankar Chand, Raji Manjari, Séagh Kehoe, Seumas Bates, Shubha Kayastha, Shuchi Karim, and Simona Simona. I will be forever grateful to Prathama Raghavan in Nepal, and Jenny Charters and Jen at the Tom Allen Centre, Glasgow who provided crucial mental health support during the darkest of times. Most of all, I am grateful to my parents Krishna Rana and Reena Pradhan for being there for me in many little ways, and to my partner Mahesh Poudyal for listening and for being consistent with his care, patience and support during what was a period of incredible growth for both of us.

Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signed: Kumud Rana

Signature: K.R.

List of Acronyms

ABVA	AIDS Bhedbhav Virodhi Andolan
AIDS	Acquired Immunodeficiency Syndrome
amfAR	American Foundation for AIDS Research / The Foundation for AIDS Research
BDS	Blue Diamond Society
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DFID	Department for International Development
FHI	Family Health International
HIV	Human Immunodeficiency Virus
ICPD	International Conference on Population and Development (1994)
IGLHRC	International Gay and Lesbian Human Rights Commission / OutRight Action International
ILGA	International Lesbian and Gay Association
INGO	International Non-government Organisation
IFN	Inclusive Forum Nepal
LBT	Lesbians, Bisexual women and Transgender men
LGBTI+	Lesbian, Gay, Bisexual, Transgender, Intersex and others
LLH	*Landsforeningen for lesbiske, homofile, bifile og transpersoner* (The National Association for Lesbian, Gay, Bisexual and Transgender People) / FRI
MSM	Men who have sex with other men
NFI	Naz Foundation International
NAC	National AIDS Council
NACC	National AIDS Coordination Committee
NCASC	National Center for AIDS and STD Control
NGO	Non-government Organisation
NORAD	Norwegian Agency for Development Cooperation
SGM	Sexual and Gender Minorities

SMO	Social Movement Organisation
UN	United Nations
UNCAT	United Nations Convention Against Torture
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WHO	World Health Organisation

Chapter 1: Introduction

This study explores the processes through which the lesbian, gay, bisexual, transgender, intersex and others (LGBTI+) movement has emerged in Nepal in 2001 through the establishment of the first HIV/AIDS organisation for men-who-have-sex-with-men (MSM) - the Blue Diamond Society (BDS) - and purportedly gained unprecedented success in a short span of time. A landmark achievement of BDS has been the legal recognition of a third gender category through a Supreme Court petition in 2007. More recently, the new Constitution of Nepal 2015 has provided constitutional rights to non-discrimination for 'gender and sexual minorities'. A more recent development reports on an increasingly transgender-inclusive civil service (HRW, 2017[1]). And yet, the movement constituted by BDS and its affiliated community-based organisations (CBOs) - as well as a few independent NGOs since 2007 - is mired by deep contestations over issues of recognition and redistribution.

By taking a multi-scalar and multi-institutional politics approach (Armstrong and Bernstein 2008) to studying social movements, I argue in the thesis that the early success of BDS is attributed to the complementary interaction between resources, networks and collective organisational identities where the organisation's access to one reinforced its access to and utilisation of the others. However, due to the nature of resources and networks and their instrumental relationships with identities, subsequently established NGOs with different organisational identities have had hierarchical access to resources and networks. Within the broader LGBTI+ movement in Nepal as constituted by these NGOs, some organisations have better access to resources and networks than others.

The study mainly focuses on the main research question:

How have activism and identifications around sexual orientation and gender identity in Nepal been shaped by transnational resources and global LGBTI+ identities?

This question was answered through the help of three sub-questions:

a. How are individual LGBTI+ identifications in Nepal related to NGO activism?

[1] https://www.hrw.org/news/2017/02/16/nepals-civil-service-increasingly-transgender-inclusive

b. What is the relationship of transnational HIV/AIDS-related resources to the emergence of the LGBTI+ movement in Nepal and some of the earliest identity categories?
c. What is the relationship of transnational human rights-related resources to the work of LGBTI+ NGOs in Nepal and the use of collective identities?

The following sections in this introductory chapter presents the contextual background of this case study of the Nepali LGBTI+ movement. The second section presents the rationale for this study with a discussion of key literature on the subject and especially the gaps in the literature that this study addresses. Drawing from these gaps, the third section briefly outlines the research design and introduces the three LGBTI+ NGOs that form a central part of the study's analysis. The fourth section summarises the key findings with an outline of the chapters to follow.

1.1 Background for the study

Studies on queer politics and sexual self-assertion have largely been Eurocentric, with studies from the Global South recently emerging out of the work of postcolonial theorists like Said (1978) and Spivak (1988). This has helped highlight the importance of including non-Eurocentric, non-normative sexual identities and subjectivities within queer, gender and sexuality studies. Spivak's insistence on bringing out the voices of the 'subaltern' or the colonized as an important strategy of resistance against neo-colonial domination has been embraced by post-colonial queer and feminist scholars to bring out the complex realities of struggles like those against decriminalisation (Baudh, 2013; Lennox and Waites, 2013); colonial hierarchies persistent within transnational activism (Gunkel, 2013; Waites, 2013); the everyday politics of sexual identity formation (Dave, 2012) or rejection of such formation (Karim, 2012).

Postcolonial queer and feminist scholarship, however, has largely ignored the Nepali LGBTI+ movement despite its purported success. This is partly because of Nepal's position of what Des Chene (2007) calls 'non-postcoloniality'. Des Chene argues that the continuing influence of colonial borders - both geographical and conceptual - within 'postcolonial studies' of South Asia has meant that smaller countries in the region like Nepal are often made invisible in analysis. However, as this study shows, it is precisely due to Nepal's

location in non-postcoloniality that it offers interesting insights for queer, feminist, development and social movement studies.

As the oldest country in South Asia, Nepal was formed out of the annexation of multiple kingdoms into a unified Gorkha kingdom by Prithvi Narayan Shah and his descendants in the 17thcentury. Although the 1950s is popularly cited as the decade in which Nepal 'opened its doors' to the outside world, historical records by researchers and writers in Nepal and outside show that communities within what is now Nepal's borders have frequently interacted with traders and pilgrims all along the routes from Tibet in the north to the Indo-Gangetic plains in the south since at least the 5th century (Sen, n.d.). This 'traffic' of people grew in the 17th century to include others coming from the West (Sreedhar, 1988) until in 1814, the expansionary ambition of the Shah dynasty clashed with those of the British East India Company and resulted in an Anglo-Nepal war[2]. The resultant Sugauli treaty signed in 1815 between the Company and Nepal's rulers not only formalised the political boundaries of Nepal but also laid the ground for Nepal's diplomatic relationships with British India as well as with Tibet and China (Mulmi, 2017). These ties were further reinforced during the autocratic Rana regime that began in 1846 through a bloody coup. Subsequent Rana Prime Ministers became the *de facto* rulers and - without the socio-cultural and religious legitimacy accorded only to monarchs - instead turned to the British to legitimise their power (Mulmi, 2017). The Rana regime - drawing its legitimacy from the military power of the British and its financial resources from the sale of timber for the development of the Indian Railway Network - actively worked against public welfare in Nepal by suppressing political dissent and by denying people basic amenities like access to education. For instance, the literacy rate in Nepal during the Rana regime stayed at 2%. The 'British Raj' - as it was popularly called in the region - and India's independence from it has had lasting political, economic and social implications on Nepal's state-building processes.

Seira Tamang (2009)[3] - a Nepali international relations scholar who has written extensively on Nepal as a 'developmentalist state' in the making - has explained the historical context of "national imaginings of manly Nepali citizens" as the *bir* (brave) *Gorkhalis* (people from Gorkha) who kept the country independent from the invasions of the British East India

[2] Nepal lost around one-third of its land in signing this Treaty. Parts of the Tarai or the southern plains bordering India was returned by the British regime to Nepal in 1816 and in 1865 - the latter as an appreciation for its support against the Indian Mutiny of 1857.

[3] 'The Fragile Yam: Nepali 'Stateness' and the Renegotiation of Gendered Citizenship', Social Science Baha Lecture Series XXXII, 29 November 2009.

Company in the 19thcentury, thereby asserting Nepal's sovereignty in the emerging world of nations. But Nepal had entered this world at a time of post-cold war division between the 'developed' and 'under-developed' nations. Hence the 1950s was a time for Nepal to shift the discourse from the land of the *bir* (brave) to that of one striving for *bikas* (development) (Tamang, 2009a).

Since then Nepal has adopted the historical twin projects of 'development' and 'foreign aid' where for the Nepali state, 'development' – theorised in the linear language of progress and modernity - is seen to be impossible without foreign aid (Panday, 2011). The projects of good governance, gender mainstreaming, indigenous rights, human rights and most recently LGBT rights can be said to have been introduced by said movements and often solicited by the state of Nepal where inclusion of these diverse issues could provide institutions with the legitimacy required for continued aid and assistance. Non-government organisations (NGOs) have been at the forefront of implementing these projects in Nepal. I take the LGBTI+ movement in Nepal as an extension of this project due to its emergence from within international HIV/AIDS funding, its continued dependence on multilateral/bilateral donors and (I)NGOs amidst increasing concerns around SOGI issues, as well as its operation from within the confines of NGOs and CBOs as a distinctive cultural aspect of the development industry.

Alongside the economic project of *bikas*, the Shah monarchy also implemented a project of official nationalism since the 1960s presumably to bring together the disparate ethnic, linguistic, religious and caste groups of the country previously managed under small kingdoms and tribal groups by instituting a policy of one language (Nepali), one religion (Hinduism) and one monarchy (the Shah monarchy) (Onta, 1996). Despite the first democratic movement in Nepal in 1990 which instituted constitutional monarchy and multi-party democracy, the persisting effect of structural inequalities meant persisting economic, social and political domination of high-caste Hindu Brahmin and Chhetri men in the country. A result of this was the rising assertion of ethnic identities and indigenous nationalities since 1990 (Onta 1996). Economic inequalities under the Hindu Shah monarchy during this period had also led to the emergence of a Maoist insurgency in 1996. However, the Maoist movement was effectively swept away by the politics of identity, with Maoist insurgents joining hands with ethnic minority activists in demanding a federal republic on the basis of ethnic identities. These demands led to what is known as the second democratic movement in the country in 2006. A subsequent peace agreement signed between the Nepali state and the Maoists, flanked by the country's seven major political parties led to the first ever

elections for a Constituent Assembly in 2008 tasked to write a new constitution for Nepal that would be inclusive of its diversity and be cognisant of the demands of other historically marginalised groups like women, Dalits, people with disabilities and sexual and gender minorities. It is within these cross-cutting social movements, the rise of identity politics, the entry of development aid with a simultaneous withdrawal of the state, and the emergence of NGOs as key civil society actors that the LGBTI+ movement in Nepal is situated.

Despite these complex structural issues within which the LGBTI+ movement is situated, there have been limited scholarly attention paid to such organising in Nepal. Past research on LGBTI+ issues in Nepal have been carried out by two broad groups. The first group consists of consultants from development I/NGOs and donors, including foreign research institutions, all in collaboration with BDS - notably, Boyce and Pant (2001), Frisbie (2014), UNDP and USAID (2014), Knight (2015) and UNDP and Williams Institute (2014). Among these, the report by UNDP and USAID (2014) offers some critical insights on intra-movement dynamics, exclusions and contestations over resources between BDS and independent LGBTI+ NGOs. Similarly, Knight (2015) touches upon these issues very briefly and instead chooses to elaborate on the socio-political context of LGBTI+ activism in Nepal.

The other group of studies on LGBTI+ issues in Nepal have been carried out by scholars and activists - including some Masters level students - that have again centered their analysis on BDS and its work. Examples include Tamang (2003), Moscati and Phuyal (2009), Wilson and Pant (2010), Pathak et al (2010), Bochenek and Knight (2012), Warmerdam (2012), Sunar et. al. (2013), Boyce and Coyle (2013), Waldman and Overs (2014), Huston (2014), Dickson and Sanders (2014), Coyle and Boyce (2015), Schubotz (2016), Tadié (2016) and Oestrich (2018). Notable among these are Tamang's (2003) ethnographic study on MSMs in Nepal, and five studies focused on the legal recognition of the third gender category. These are Bochenek and Knight (2012) who illustrate the process of establishing this category; Boyce and Coyle (2013) who discuss the implications of development and legal discourses on queer subjectivities in Nepal; Waldman and Overs (2014) and Schubotz (2016) who offer comparative case studies juxtaposing the 2007 Supreme Court case with similar cases in other countries; and Tadié (2016) critiquing the engendering of third gender as a fixed category through legal discourse. Amongst these, only Schubotz's study explicitly uses social movement theories to underpin his analysis (discussed in Chapter 6). While some of the authors recognise the concentration of resources on a single organisation in Nepal, none of them adequately problematise this to engage with exclusions within the movement.

More specifically, the authors do not engage sufficiently in an analysis of the cross-cutting effect of resources, networks and identities as highlighted in the argument of this study above. This has meant that the Nepali LGBTI+ movement and subjectivities have mostly been taken as case studies of enquiries mostly into identities and identity formation without adequately addressing structural inequalities nationally but also internationally that have significantly influenced the movement trajectory as well as identity formation. The following section further discusses why this study on the LGBTI+ movement is significant in the context of national but also international mobilisations around social justice.

1.2 Significance of the study

Past studies on queer mobilisations in the Global South from postcolonial and queer theoretical perspectives have inordinately turned its gaze upon the colonisers, focusing analysis either only on identity politics or only on collective mobilisation around those identities. More recent work informed by postcolonial, feminist and queer theories like that of Dutta (2012), Dave (2012), Boyce and Coyle (2013) and Rao (2015a) have combined both in their analysis while other studies from subaltern perspectives have taken a Marxist approach to highlight the limitations of queer theories in the context of the Global South (like Kapur, 2009). However, these theorisations especially in the context of South Asia have been dominated by scholarship from India, as emphasised by Hossain's (2018) insistence on 'de-Indianising' the diverse groups of *hijras* located across countries in South Asia.

Postcolonial scholars in the Indian context have had to respond to accusations that non-normative sexual practices are a product of Western influence, which the scholars have critiqued in two ways as proposed by Ara Wilson (2005). First is the 'recuperative' method 'pointing to indigenous non-heterosexual, non-procreative sexual practices' that have proved to be important resources for framing queer in national or local ways' (Wilson 2005, p.3). Ruth Vanita's work on same-sex sexualities in literary texts in India is an example of this. The second method, on the other hand, uses insights from postcolonial critique to 'rethink the relation of non-Western sexuality to Western gay culture and indeed challenges the binary of West and non-West...without forgetting the global dominance of US and Western powers' (Wilson 2005, p.3). Examples of this include critical work on queer subjectivities outside India - more precisely located in South East Asian countries like Thailand in the works of Peter Jackson (2009). Due to Nepal's subjective location in non-postcoloniality

(Des Chene, 2007) while still being affected by the boundaries created by colonialism, the context of this study warrants the second approach that emphasises 'hybridity, contestation, and resignification' (Gopinath, 2005). Wilson (2005) stresses that this approach views Asia 'both as constituted by European global hegemony *and* as constituted by intra-Asian dynamics' (Wilson 2005, p.5, emphasis original).

Drawing from these considerations, this study provides a distinctive analytical framework for the study of social movements in the Global South by using Armstrong and Bernstein's (2008) political process approach to include within analysis multiple sources of power, combining this with the emerging regional approach to queer analysis emphasised by Wilson (2005) and Jackson (2009). Many of the previous studies on queer mobilisations in the Global South center their analysis on either one or two scales of study - the national and/or international - to show how hierarchies of power between the Global North and the Global South dictate the frameworks within which activism can occur (e.g. public health, sexual rights, LGBT rights). Such focus on only two scales of analysis - national and international - makes invisible the exchanges within countries in the Global South, and reinforces the image of social movement actors as passive recipients of discourses and resources from the Global North.

Additionally, the few studies that have analysed the flow of discourses and resources within LGBTI+ mobilisation in the Global South have predominantly accounted for only financial and moral resources flowing from the Global North to the Global South. While acknowledging the significance of financial resources especially for movements in low-income countries in Asia and Africa, it is also important to distinguish between other types of resources that are also exchanged. This would provide important insights into South-South exchanges significant for social movements and highlight the contributions as well as constraints they might pose to such movements.

1.3 Research design

Drawing from the considerations above, this study takes Armstrong and Bernstein's (2008) multi-institutional politics approach to social movement analysis with the belief that the LGBTI+ movement in Nepal has to negotiate with multiple sources of power that are both material and symbolic, as opposed to only one source of power which has traditionally been considered to be the state by political process theorists. Within the broader movement in

Nepal, the dominant NGO has been BDS which most literature on Nepali LGBTI+ issues and activism focus on. In order to bring in previously marginalised voices into analysis, efforts were made to be inclusive of LBT NGOs representing lesbians, bisexual women and transgender men, as well as activists based outside Kathmandu.

This research focuses on the case study of the LGBTI+ movement in Nepal as driven by the three most prominent LGBTI+ non-governmental organisations (NGOs) in the country - the Blue Diamond Society (BDS), Mitini Nepal and Inclusive Forum Nepal (IFN). These organisations were purposively chosen for their visibility in the movement as identified during the first phase of the field visit, while subsequent activists, allies and donors were identified based on snowball sampling. A total of 43 activists, 22 allies and six donors were interviewed for this study.

Field visits were conducted in two phases between October 2016 and September 2017. The first phase of fieldwork between October 2016 and December 2016 was a pilot study while the second phase lasted between June and September 2017. 'On-site' fieldwork was carried out in Nepal, mainly in Kathmandu because all the three LGBTI+ NGOs had their offices in the capital. However, two districts outside Kathmandu were also visited in order to gain insights from activists outside the capital. Other interviews with allies and activists located outside Nepal were conducted in the UK, India and Thailand. The last interview was conducted in August 2019. The main methods of data collection were semi-structured interviews, participant observations and document analysis and access to participants was negotiated through key activists within the movement.

1.3.1 Why Blue Diamond Society?

Blue Diamond, headed by Sunil Babu Pant until 2014, is widely seen by outsiders to the movement to have led the movement to its present status. Founded in 2001, it is one of the largest NGOs in the country with a network of 53 NGOs, employing 800 people and 'hundreds of thousands' of affiliated members throughout all five development regions in Nepal (Knight 2014). Another report by the project - *Being LGBT in Asia* - mentions 55 LGBT civil society organisations throughout the country, with most of them concentrated in major urban cities and the southern Terai belt (APCOM 2015[4]). However, BDS has come to

[4] http://www.apcom.org/wp-content/uploads/2015/12/Nepal-Country-Report.pdf

be the primary advocate for legal and constitutional reform for the rights of sexual and gender minorities within the country (Boyce and Coyle, 2013) and is *the* face of the movement for international LGBT rights advocates as well as funding agencies keen to work with particular groups within this community. In fact, Boyce and Coyle quote Sunil Babu Pant during his address at a UN regional seminar on 'Human Rights, Sexual Orientation, and Gender' (22 March 2013), as saying that BDS's work has implications on the entire national LGBTI population in the country (Boyce and Coyle, 2013, p.10). It was not clear from a review of the available literature how BDS came to occupy this central position from the scant literature available on the movement.

However, an ethnography of the International Gay and Lesbian Human Rights Commission (IGLHRC) by Ryan Thoreson (2014) provided a partial answer to why certain 'local partners' might be chosen over others in these scenarios. Citing issues of pragmatism, necessity and strategy, Thoreson elaborates how partnership with IGLHRC often depended on pre-existing personal and professional ties with brokers at IGLHRC; new ties created via e-mail lists and conferences; individual inclinations of brokers towards certain issues and perspectives; and - in instances of no prior contact - the supposed reputation of the local group as 'the only game in town' (i.e. groups advocating for LGBT rights within a nation-state that used the language of transnational LGBT human rights legible to these brokers) (Thoreson 2014, pp.126-133). Sunil Pant – and by extension BDS – was clearly recognised by the international community as the most authoritative voice of the movement. However, the processes through which only Pant and BDS came to the fore remained to be explored. There was a need to explore the role of social and cultural capital in providing certain types of possibilities for some – like the access to vital networks and information - and how that bears upon what types of voices continued to be privileged over others. This was especially pertinent at a time when NGOs are increasingly being viewed as a new form of governmentality in postcolonial societies even while they open up crucial spaces of resistance (like those against violations of human rights) in the ongoing processes of 'privatising the state' (Leve and Karim, 2001, p.56).

1.3.2 Why Mitini Nepal and Inclusive Forum Nepal?

Thoreson (2014) argued that the non-inclusive nature of many partner organisations of IGLHRC often entrenched the marginalisation of other voices like those of young or feminist

or LBT organisations; and that partnerships along national lines – which IGLHRC believed helped in levelling North-South power disparities and in 'renouncing imperialism' – prevented IGLHRC brokers from insisting on their own values and standards (of accountability, representativeness, transparency, and good governance), and intervening on behalf of marginalised populations (Thoreson 2014, pp.142-144). In case of Nepal, smaller organisations like the LBT-focused Mitini Nepal was founded as a BDS-affiliated CBO in 2005, but broke away from it in 2007. Although it was formally mentioned as a petitioner in the 2007 Supreme Court case, there was no evidence to support this as discussed in Chapter 6. LBT organisations like Mitini Nepal continue to be marginalised from mainstream debates, often exacerbated by financial and organisational challenges[5]. This has reportedly done little to address socio-cultural, economic and institutional challenges faced by sub-groups like lesbians as shown in a 2010 qualitative study exploring their access to health and social services within the country. Like Mitini Nepal, Inclusive Forum Nepal was also established by an LBT activist, Badri Pun, in 2012. Pun was an employee at BDS before they decided to form a separate organisation of their own owing to their dissatisfaction at what they said was the marginalisation of LBT people within BDS.

While BDS has the most extensive access to financial, technical and moral resources, Mitini occupies the middle position while IFN occupies the lowest position in terms of resource and network access. This hierarchy between organisations allowed for a more nuanced analysis of the interaction between resources, identities and networks and the implications of such interaction on the organisation.

1.4 Note on terminology

An extensive discussion of identity categories is carried out in Chapter 4. However, I provide a quick explanation of the most commonly used identity terms in this thesis. I use all the terms LGBTI or LGBTI+ (lesbian, gay, bisexual, transgender, intersex and others), sexual and gender minorities (SGM), and queer at different places, though the first two are mostly used by Nepali NGO activists who were part of this study, while the term 'queer' was only used by a few urban, highly educated participants mostly working independently of these NGOs in Nepal's context. I use LGBTI or LGBTI+ in reference to NGOs central to this study - I.e. the Blue Diamond Society (BDS), Mitini Nepal and Inclusive Forum Nepal (IFN)

[5] https://urgentactionfund.org/?grant_=mitini-nepal-mn

which officially use the acronym, while the last two organisations also use 'LBT' to specify their constituency of lesbians, bisexual women and transgender men. Nepali LGBTI+ NGOs and activists also often interchange LGBT or LGBTI with 'sexual and gender minorities', which is the term used in the new Constitution of Nepal 2015 to represent all sexual and gender non-normative people. I use SOGI (Sexual Orientation and Gender Identity) only in reference to the UN or other donor agencies who use the term like the UNDP or in reference to the Yogyakarta Principles, and the NGOs who have subsequently adopted this acronym from them to signify a range of subjectivities beyond Anglo-American terms.

When referring to the movement itself, activists use the term 'LGBT or LGBTI movement' and drop the '+' in colloquial speech. For ease of reference, I follow this and use the term 'LGBT/LGBTI/LGBTI+ movement' to refer to the broader movement in the country. Similarly, when referring collectively to all the three NGOs in this study, I use the same acronym LGBT or LGBTI or LGBTI+. When it comes to individual organisations, I use the acronyms that each organisation used in an official capacity during the time of my study - i.e. I use 'LGBTI+' to refer to BDS since it officially represents all of these categories, and 'LBT' to refer to Mitini Nepal and IFN. However, each organisation might conduct separate projects or events for any of the categories. Categories, hence, are used in a fluid manner, often serving various organisational (and individual, in case of individual activists') needs. Thoreson (2014) - in his ethnography titled 'Transnational LBT Activism' - also notes these variations as reflecting regional or organisational preferences (p.25). But when a case merits specificity, as Thoreson (2014) does, I use specific terms to signify each organisation's primary constituency. I do the same with individual terms of identification. By doing this, I have taken a methodological decision to describe the data in ways that reflect identifications (of individuals and NGOs), while allowing analytical room to question these identifications in the analysis.

Due to the diversity of terms used to signify various positions as used by individuals (who might use more than one term for themselves, sometimes in a seemingly contradictory manner) and the varied understanding of the same term by different individuals, it is difficult to find a single, uncontested term without getting lost in the nuances of each term every time they are typed out in this thesis. For this reason, I sometimes use 'queer' to loosely refer to non-heteronormative subjectivities – not necessarily consciously chosen identities - that pertain to sexual orientation and gender identity, whether or not the term is used by any of the activists or actors included in this study.

These terms are always contested and are used or rejected by different groups, organisations or individuals for various reasons. For instance, I use terms like 'those assigned male at birth' and 'those assigned female at birth' that have been used by Shah et al (2015) in a study on who they refer to as queer people 'assigned gender female at birth' in the context of urban India. Applying this term in their recruitment process, they explain, allowed them to include diverse experiences including of those who did not identify as trans* because they were either not familiar with the term or were not comfortable using it. In a context where trans* is still a novel term, this approach helped them avoid predetermining their sample, 'even before a shared understanding could emerge on who can be trans*' (Shah et al, 201: 9). Queer women activists from both India and Nepal whom I interviewed for this study also often called themselves 'LBT activists' and used 'LBT' to define their constituency, while also self-identifying as women simultaneously (discussed in more detail in Chapter 4).

Yet others, like the representative of an international network of civil society organisations that also works for 'diverse sexualities and genders' - and for whom I wrote a small report in 2017 as I was working on my thesis - explicitly expressed their discomfort with terms like 'assigned female at birth' as emphasising the gender that the person no longer wants to associate with 'in the interest of creating an umbrella academic term' (personal communication over email, 21 November 2017). I was instead asked to query this term and 'rather use terms like trans or gender non-conforming and also (if there are) local respectful terms that are more accepted by people in the community'. The email went on to say, 'For the longest time in India we used F2M and M2F which are also NGO terms and actually quite disrespectful'.

While I respect the sentiments expressed above and generally agree with them, my study queries all the terms used by activists in the South Asian context whether they be Anglo-American terms or local language terms. My study instead argues that the respectability that each individual - whether they be participants in this study or the readers of this thesis - assigns to any of these terms are subjective and change with time and context. But more importantly, I use the two terms - 'assigned male at birth' and 'assigned female at birth' - to serve not as identity categories but instead to emphasise the distinctive ways in which donor aid and transnational solidarity are gendered and have distinctive consequences based precisely on the gender one was assigned at birth. This distinction is important especially when discussing HIV/AIDS funding which are primarily directed towards persons assigned male at birth who have sex with others assigned male at birth. My intention is to emphasise

how this has impacted upon funding sources and networks for NGOs like Mitini Nepal and IFN that cannot draw upon HIV/AIDS related resources and networks.

Besides these Anglo-American terms, there are other terms in use in different parts of Nepal that BDS has consolidated into a collective 'third gender' category legally recognised by the Supreme Court of Nepal in 2007 (discussed in Chapter 6). Since a central task of this thesis is to analyse activist strategies, networks, resource pools and how all of these shape collective identities, it would be counter-productive to include a glossary of Nepali identity terms like *meta, meti* or *tesro lingi* with fixed definitions at the beginning of this thesis. The few other Nepali words I use have their meanings included in brackets. Instead, I discuss the above as well as other terms of self-identification and collective identities in the three empirical chapters, analysing the processes through which they came into use in Nepali activist lexicon, the definitional changes they went through, and the varied ways in which they were understood at the time of this study.

I expect the suitability and use of these terms for both the participants of this study and the readers of this thesis to be subjective and contested, and to change with time and context. This has been the case for the activists in this study between the early years of activism in the year 2000/2001, and the time of my interviews with them between 2016 and 2017. It is likely that new terms will come into use that will be seen as more suitable, while the ones used here might be interpreted differently, or be redundant or even lost.

1.5 Key findings and outline of the thesis

The findings of this thesis are divided into three empirical chapters to explore the relationship between transnational resources and network, and LGBTI+ organisational identities.

Chapter 4 answers the first sub-question: How are individual LGBTI+ identifications in Nepal related to NGO activism and resources available for such activism? This chapter discusses the diverse terms of (self-)identification pertaining to sexual orientation and gender identity in Nepal. Activists in this study did not necessarily self-identify with a single identity category, with a few identifying with none of the categories even though they might be labelled with a term by others, which is in line with previous studies in the context of South

Asia (like Khan, 2001; Boyce and Coyle, 2013). In addition to this, what was new in this study was that the interpretation of each of these categories were also found to be subjective. Sometimes the categories were adopted along the lines of organisational affiliation and subsequent interpretation while at other times the interpretation differed according to the degree of the activists' involvement in those organisations, and/or their socio-economic status. For instance, only those activists assigned female at birth and working within BDS identified as *tesro lingi* (third gender) or transgender man or simply transgender. Similarly, the use of terms like 'gay' or *dohori* (one who plays the dual role) were found to be inflected with class positions. Chapter 4 shows how identification to categories are contextual, reflective of social hierarchies, and are constantly negotiated in these positions. Identities used by social movement activists can also be consolidated in a top-down manner through which some identity categories emerge as collective identities while the use of others are lost.

Chapter 5 aims at answering the second research question: What is the relationship of HIV/AIDS-related resources to the emergence of the LGBTI+ movement and collective identity categories in Nepal? This chapter goes deeper into the analysis of the relationship between resources, movement emergence and identity categories used by BDS, the only NGOs among the three which is eligible for HIV/AIDS funding. While financial and moral resources in BDS's early years (between 2000 and 2007) were seen to almost exclusively come from transnational HIV/AIDS donors, important technical resources are also derived from regional networks of MSM organisations in South Asia that helped lay BDS's organisational foundation. Additionally, in contrast to the restricted ways in which HIV/AIDS financial resources from donors could only be used for HIV/AIDS related work with sub-groups identified as 'key population' like MSMs, the technical resources provided by regional and transnational LGBTI+ allies provided opportunities for BDS that went beyond its role as a service delivery organisation. The chapter further highlights that the process of securing HIV/AIDS resources has required the consolidation of these categories by LGBTI+ NGOs as collective organisational identities *before* resources could be officially disbursed to BDS. Global public health registers and funding regimes, then, have played significant - though perhaps unintended - role in the consolidation of some identities in South Asia, and in other places in the Global South (Seckinelgin, 2009; Seckinelgin, 2012). The chapter concludes by emphasising that such a cyclical effect leads to a concentration of resources on those who are already able to access them in the first place, as illustrated in the figure on BDS's allies and donors from both HIV/AIDS and rights-based networks in Chapter 5.

Chapter 6 of this thesis aims at answering the last research question: What is the relationship of human rights-related resources to the work of LGBTI+ NGOs and the use of collective identities in Nepal? Resources derived from a wider range of allies/donors including global and regional LGBTI+ activists have strengthened BDS and the capacity of its staff members. However, a significant share of BDS's financial resources from this resource pool goes into covering 'core' organisational expenses including overhead expenses, and a media outreach programme. This has left little financial resources for a generic 'human rights programme'. While these have all been important, they have often been piecemeal work carried out by general staff members of BDS without much power to shape the human rights agendas that the organisation advocates for. BDS's rights-based agenda has instead been shaped by the national political context of post-conflict Nepal whereby 'human rights violations' are mostly seen as violence perpetrated by state security forces. This has allowed only the *metis* and transgender women and the violence they face from the police on the streets to come into national and international focus, leaving out other forms of physical, mental and structural violence that might impact all groups of LGBTI+ people in different ways.

In terms of the resources and networks of the LBT NGOs, most of the resource networks for Mitini - the more professionalised and well-resourced of the two LBT organisations - included transnational and a few domestic feminist organisations. The pattern of establishing more allies outside of the country is similar to BDS but Mitini's - and to a lesser extent, IFN's - network of feminist organisations are distinctive from BDS's networks of human rights and LGBTI+ organisations and donors.

The thesis finally concludes by centralising the main argument that resources, networks and collective organisational identities within the LGBTI+ movement in Nepal interact in a cyclical manner whereby an NGO's access to one reinforces its access to and utilisation of the others. However, due to the nature of resources and networks and their relationships with organisational identities, NGOs with different organisational identities have hierarchical access to resources and networks whereby some organisations are better able to utilise a cyclical effect than others.

Chapter 2: Literature Review

This chapter reviews existing literature that helps address the research questions of this thesis - How have activism and identifications around sexual orientation and gender identity in Nepal been shaped by transnational resources and global LGBTI+ (lesbian, gay, bisexual, transgender, intersex, and others) identities? As such, this chapter presents a framework for analysing the relationship between LGBTI+ activism, identifications and transnational resources. The chapter starts with a brief overview of transnational LGBTI+ mobilisations, particularly focusing on mobilisations in Asia, situating the mobilisation in South Asia within sexual rights and the global HIV/AIDS epidemic, and HIV/AIDS interventions in Nepal in relation to this. The chapter then goes on to review some key elements of social movement theories, namely resource mobilisation theories, political process theories, new social movements and social movement organisations. Finally, the chapter situates the LGBTI+ movement in Nepal in these global processes and theories, and provides the research gaps that this study will address.

In order to make a distinction between LGBTI+ movements in various locations, this thesis takes up the term 'Global North' to refer to richer countries in the northern hemisphere, including the United States, Canada, countries in Western Europe as well as some of those located in the southern hemisphere - i.e. Australia and New Zealand (Royal Geographical Society, n.d.). These countries will also be broadly referred to as 'the West' throughout this thesis. All of these countries have a violent history of colonising, dispossessing and often erasing the cultures, histories and people of the lands they have colonised. In contrast, most of the previously colonised countries now form what is understood as the Global South. The North-South divide, then, refers to socio-economic and political divides between the two broad groups of countries. In reference to this study, the North-South divide is mainly conceptualised as the divide between donor and recipient countries of foreign aid where the Global North often comprise of the donors while the Global South are often recipients of such aid.

Additionally, the term 'transnational' in reference to LGBTI+ activism, resources and identities will be deployed throughout this thesis. Studies on transnational LGBTI+ activism, identities and sexualities do not always define the term 'transnational' but often equate the term to signify globalisation processes and their resultant effect on activism, identities and sexualities and covering a wide range of topics including flows of people escaping persecution due to their sexualities, flows of sexually transmitted infections, flows of

discourses as well as flows of identities and politics (Weeks, 2011). There is no single definition or understanding of the term 'transnational', with some equating transnational studies to studies on migration and the diaspora (Levitt and Jaworsky, 2007) or to studies on social movements and 'global' civil society (Della Porta and Tarrow, 2005). The concept of transnationalism is used in both diaspora studies and globalisation studies. Within diaspora studies, the concept is used narrowly to refer to migrants' durable ties across borders while within globalisation studies, it is used more widely to capture 'all sorts of social formations, such as transnationally active networks, groups and organisations' (Faist, 2010: 9). My study mainly utilises the globalisation approach to transnational studies in analysing the relationship between resources, social networks and identities alongside elements of the concept from migration studies that better explain the processes and exchanges emphasised by my study.

In studies on international politics during the 1970s, transnational relations were understood as 'regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organisation' (Risse-Kappen, 1995: 3). Studies informed by this approach are concerned with how transnational coalitions and actors - including social movements, INGOs or MNCs - lobby international regimes and inter-state organisations for their purposes. These issue-based networks, Risse-Kappen (1995) says, often play a significant role in the 'global diffusion of values, norms, and ideas in such diverse issue-areas as human rights, international security' and even religious fundamentalism (p.4). Since my study is focused on such issued-based networks – i.e. LGBTI+ networks and HIV/AIDS networks – and the interactions between mainly non-state actors, I use this definitional approach to transnational studies.

In the context of diasporic and migration studies, the conception of transnationalism as a type of consciousness – more specifically of *simultaneously* being 'here and there' (Vertovec 1999; Pasura and Erdal, 2016) – is useful in emphasising the agency of 'local' actors within transnational activism. I am cognisant of how 'local' elite activists can also be conceptualised as transnational actors occupying simultaneous positions 'here' and 'there', where a connection 'there' makes a difference 'here' (Vertovec, 1999), including in processes of sense- and self-making. As such, this approach emphasises the co-presence of both universalising and particularising processes, combining notions of globalisation and localisation, or 'glocalisation' (Robertson 1995, as cited in Faist, 2010).

Another useful insight from migration studies is the emphasis on mutual transformations that transnational processes instigate instead of the effect manifesting on only one end of any network of relationships (Vertovec, 1999). Guarnizo and Smith (1998) suggest an inquiry into both transnationalism 'from above' and 'from below' even though the practices and identities forged 'from below' might be no less essentialised or subversive than those 'from above'. The authors particularly call for a focus on analyses of transnational networks, how solidarity and trust are constructed and maintained within these networks, how they interact with local power structures like class, gender or racial hierarchies, and the kind of closure and control reinforced by these processes. These ideas are also captured within the concept of a 'transnational social field' which Levitt and Schiller (2004) define as "a set of multiple interlocking networks of social relationship through which ideas, practices and resources are *unequally* exchanged, organised or transformed" (p.1009, emphasis added). Thoreson's (2014) study on the transnational work of the International Gay and Lesbian Human Rights Commission captures such flows from partner organisations located in resource-poor settings to those located in resource-rich setting. Within my own study, I am cognisant of how the exclusive nature of transnational social fields and the resources provided 'from above' facilitate the 'local' activists' transnational activism 'from below'.

Additionally, as noted by Faist (2010) in the context of diasporic and transnational studies, transnational approaches are characterised by 'intense connections' to national or local territories even when lobbying might occur in international spaces. 'Cross-border phenomena have a clear territorial reference and are thus also local or national in their focus and goals', explains Faist (2010: 14). And yet, the impacts of transnational processes need to be understood within the context of globalisation – i.e. the intensification of economic, cultural and political practices across the world in the early 21st century (Huff, 2014). However, Lipschutz (2006) cautions against calling transnational processes 'global' since "to be 'global' is to subsume one's particularity in homogeneity, and to lose both distinctiveness and discursive power" (na). This is drawn from Tarrow's (2005) critical work on civil society and social movements where the 'global' has come to connote homogenisation or absorption, usually of activists and social movements in the Global South by those in the Global North. The use of the term 'global' has also reinforced the global-local divide where the 'local' is always seen by cultural critics to be separate from and working in resistance to the 'global' (Grewal and Kaplan, 2001). This is also conceptualised as the tradition-modernity split where the 'local' is equated with 'traditional' while the 'global' is equated with being 'modern' (*ibid*). An emphasis on the agency of activists 'from

below' helps avoid the simplistic global-local divide put forward by queer critiques like Puar (2007) or Massad (2002) even when they rightly highlight the Western ideological and political foundations upon which 'global' activism rests.

2.1 Transnational LGBTI+ mobilisation

This section illustrates how transnational LGBTI+ mobilisations have developed around the world arranged in sections based on geographical distinctions which often overlap with economic disparities between countries. These broad generalisations help map out diverse social movements for a heterogenous collective of LGBTI+ people, although this also means that attention to disparities *within* countries will receive less attention in this review. The diversity of LGBTI+ identities and mobilisation at different points in time and in place often intersect with other social movements including but not limited to anti-colonial, nationalist, civil rights, feminist, and sexual and reproductive health and rights movements. As a result, there is no single 'global' LGBTI+ movement. And yet what is widely understood as a 'global' LGBTI+ movement have referred to gay and lesbian movements that have emerged in the Global North, mainly the United States and Western Europe. Despite this, social movements - as they have been defined by scholars from these locations - for the rights of these distinctive groups of LGBTI+ people have indeed emerged from these spaces.These movements have been successful in drawing attention to marginalised identities within the socio-economic and political contexts of the countries within which they have been mobilised.

Epstein (1999), writing in the context of the United States (US), traces the history of queer organising in the country back to the 1950s when anti-sodomy laws were firmly in place in all its 50 states. Homophile organisations then were primarily concerned with countering medical discourses of homosexuality as a disease that needed to be cured. These organisations were focused on the task of framing homosexuality as a 'fixed or innate condition, beyond the individual's control or responsibility, and a stable aspect of the self' (Epstein 1999, p.36). They conceived of homosexuals as a distinct minority group and relegated discussions on sexuality to the private domain, even while insisting on public education for the support of this private right. Epstein argued that such reformist and cautious politics achieved little in the 1950s in changing public attitudes around homosexuality or in improving the position of homosexuals in society.

The civil rights movement in the United States, however, gave rise to a more militant faction of the gay liberation movement. In the aftermath of the Stonewall riots in New York in 1969, the radical Gay Liberation Front (GLF) led by young gay and lesbian activists borrowed heavily from the frames and tactics of the anti-war movement, the Black Power movement, the women's liberation movement, and 'third world' liberation movements (Epstein 1999, p.38). While emphasising the importance of forming coalitions with other oppressed groups, the gay liberation movement encouraged 'coming out' of the closet as a central movement building and sustaining strategy. Their commitment to overthrowing the categories of gender and sexuality, however, was unable to encompass experiences of gays and lesbians of colour, or working-class trans individuals; nor was it able to cope with the politics of gender and the alienation experienced by lesbian feminists who were beginning to conceptualise lesbian identity as a form of political solidarity among women. In contrast, Epstein (1999) argues that the 1970s was an era of a new quasi-ethnic form of gay identity, community and politics. The lesbian and gay rights movement at this time was more communal, white and middle-class in character, with the capacity to mobilise resources including time and money. They retained the liberationist rhetoric of gay pride while simultaneously endorsing the right to privacy. Their single-issue politics were often led by lobby groups and legal support organisations that had more formal bureaucratic and leadership structures than those of the gay liberation era (D'Emilio, 1992).

As opposed to the equality and/or liberation frames used by LGBT organisations in the late 1960s and early 1970s in some Western countries, Kollman and Waites (2009) trace the dominance of LGBT human rights discourses only since the early 1990s. They associate this turn to human rights to the strengthening of transnational LGBT networks, especially the International Lesbian and Gay Association (ILGA) which began to take up professional international political lobbying to form six regional groups in Asia, Africa, the Pacific Islands, Europe, North America, and Latin America and the Caribbean. Simultaneously, another international LGBT human rights non-governmental organisation (NGO), the International Gay and Lesbian Human Rights Commission (IGLHRC), was formed by US and Russian LGBT activists. Kollman and Waites (2009) point out that these NGOs, along with other mainstream human rights organisations like Amnesty International and Human Rights Watch, now form an influential global network of LGBT human rights activists.

In addition to this, since the mid-1990s the United Nations (UN) has emerged as a political battle ground for LGBT rights campaigning (Kollman and Waites, 2009). Epstein (1999) contrasts this with the rise of an organised opponent - the New Right - in the mid-1970s

which was mainly concerned with the defence of 'traditional' family, gender and sexual forms. Symons and Altman (2015) refer to this as 'international norm polarisation' in the context of the conflict over recognition of sexual orientation and gender identity as subjects of international human rights protection. They argue that the polarisation between sexual rights perceived as western cultural imperialism (associated with the US) v/s universal 'traditional' values and the protection of national and religious identities (propagated by Russia and some countries in Asia, Africa and the Arab region) is itself a recent manifestation.

The emergence of LGBT rights campaigning outside Europe since the 1990s has centred on calls for decriminalisation of homosexuality (Waites, 2009; Lennox and Waites, 2013) and other legal contestations around right to privacy and freedom of association. Aided by feminist organizing around sexuality under the rubric of rights related to health and reproduction (Petchesky, 1997) – albeit still within a largely heterosexual matrix (Butler 1993) - LGBT rights campaigning within the UN has struggled against religious and conservative resistance to the naming of gender identity and sexual orientation as categories of discrimination (Kollman and Waites, 2009). Guiding global frameworks for human rights like the UN Declaration of Human Rights 1948, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, the Declaration of Montreal on Lesbian, Gay, Bisexual and Transgender Human Rights 2006, and the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity 2006 have all struggled with problematic understandings of gender identity and sexual orientation with implications on the rights of transgender, intersex, bisexual or asexual people, as well as alternative sexualities beyond the West. For example, O'Brien (2015) explains how international law's entrenched biological determinism pose challenges for intersex rights. Similarly, Dreyfus (2012) shows how CEDAW and the Yogyakarta Principles both create fixed identities – the former refusing to go beyond a gender binary and the latter requiring identification with one of the non-conforming gender identities - hence 'fixing the subjects' of international human rights law.

Other critiques of the human rights framework centre on its 'false universalism' (Hines, 2009) and lack of (total, even or sustained) cultural resonance across the world inviting social and political backlash (Kollman and Waites, 2009; Rao, 2010). Critiques have also emerged specifically on the limits of identity politics employed by LGBT human rights framework, with scholars from the West emphasising the need to dissociate sexuality from gender. However, scholars working on the global South have often pointed out that the privileging

of sexuality over gender within the Western model of homosexuality and the theoretical split between feminist and gay and lesbian queer studies have been 'Eurocentric and poorly equipped in understanding gender/sex transformations at the global level' (Jackson, 2000). Waites (2009) acknowledges this problematic, but is right in pointing out that the Anglo-American term 'queer' has been adopted for its flexibility in activist organizing by some activists in the global South. However, the term 'queer' has also come under criticism for their exclusion of other subjectivities and identifications, as well as their alleged undermining of cross-cutting exclusions of caste, class or gender (Jackson, 2000; Wieringa et al., 2007; Sinnott, 2010; Dave, 2012; Boyce and Coyle, 2013).

This is extended further by critiques of the neo-colonial project of knowledge creation and propagation through transnational movements and alliances (Gunkel, 2010; Gunkel, 2013), through the 'moral politics of foreign aid' (Hattori, 2003) within human rights diplomacy and advocacy (Rao, 2012; Lennox and Waites, 2013). Jasbir Puar (2018), in her book *Terrorist Assemblages: Homonationalism in Queer Times,* explains this within the concept of 'homonationalism', a short for 'homonormative nationalism' whereby some Western democracies have come to adopt homosexuality as not only compatible with but also exemplary of neoliberal democratic ethics. However, Altman (1996) cautions against attempting to formulate clear distinctions between Western and non-Western gay cultures or traditional and modern experiences of sexuality – sometimes resulting in what Martin et al term as 'queer hybridization' (as cited in Sinnott, 2010). Altman (1997) goes further to say that gay activism in the global South need not necessarily follow the same trajectory as activism in the West (even though the Western experience itself may be more varied) as each movement is located within particular socio-political structures. They might instead "…adapt ideas of universal discourse and Western identity politics to create something new and unpredictable…" (Altman, 1997, p.433). Asia [or Africa or Latin-America], in this sense, ought to be understood "…as constituted by European global hegemony and as constituted by intra-Asian dynamics" (Wilson, 2005).

Despite this, it cannot be denied that Western LGBT rights framework and civil society actors play significant roles in shaping LGBT activism in the global South through social and organisational networks extended across borders. Keck and Sikkink (1998) describe how national groups might utilise a 'boomerang pattern' in which they turn towards international organisations for transnational lobbying to bring about change when access to their own government is limited. However, Seckinelgin (2012, p.542) cautions that such instances of solidarity can occur as "cosmopolitan intimacies" or attachment to certain issues reduced to

a few reference points that one can identify with. Global civil society actors, in response to perceived intimacies due to shared identities, often occupy the role of legitimate 'shepherd/speaker' (Seckinelgin, 2012, p.549). They then 'represent' and re-present (Spivak, 1988) different subjectivities as their own and in accordance to a global register they have themselves dictated, thus legitimising particular ways of being and living as a precondition to being part of a global network, and effectively establishing themselves as the agents of change in other people's lives (as cited in Seckinelgin, 2012, p.554). Seckinelgin goes on to argue that the frameworks provided by these global registers both open and close spaces for the politics of identity or recognition, which has implications for the politics of distribution (Fraser 1995, cited in Seckinelgin, 2012) of resources to southern LGBT NGOs. It also has implications on political activism since "…the resources that are made available within the global activist networks are instrumental in the way people engage with them in building solidarity" (Seckinelgin, 2009, p.117). Often these spaces and gains are also gendered, as well as racialized and classed while being glossed over by international concerns about rights.

Such complexities within collective action, movement formation and subsequent trajectories have been best understood by deploying social movement theories that help analyse why and when social movements occur; how they might be organized; how they might interact with each other, their networks as well as other players; or what changes they might bring about. Section 2.2 brings together key concepts from social movement theories to present the conceptual framework for this study. Before that, the following sub-sections provide a contextual background for queer studies and mobilisation specifically in Asia and Nepal within the context of HIV/AIDS activism and activism around sexual rights.

2.1.1 Queer studies in Asia

Studies on sexuality and queer theory as they have emerged in the Global North have often relied on sexual and gender variations across historical and cultural contexts for their theorisations. As stated in the section before, scientific studies on sexuality in Western Europe and the United States in the nineteenth century had pathologised same-sex behaviour and categorised homosexuality as a mental illness (Fuechtner et al., 2018). However, with the rise of the gay rights movement in these regions in the 1960s and 1970s, scholarly and activist interest were focused on constructing a history and tradition of same-sex desire.

Limited resources on such could be found within modern scientific studies on sexuality in the West, which meant that these scholars turned to historical and anthropological studies of sexual and gender variations in the East for necessary evidence (Fuechtner et al., 2018). Using studies on comparative sexology as an illustration, Fuechtner et al (2018) argue that such studies have always been transnational in nature, with Western scholars borrowing empirical evidence from the East but also accompanied by 'unruly appropriations' of such Western scholarship by Eastern scientists and scholars. However, as Fuechtner (2013) notes, Western appropriation of such knowledge from the East has often been limited to using them as 'native' examples and 'exhibit pieces'. Theories, then, have come from the West or the Global North, while the 'evidence' or 'case studies' for such theorisations were partly drawn from the Global South.

In contrast, in a review of queer archives in Asia, Howard Chiang (2019) notes that archives on non-normative genders and sexualities in Asia are not organised systematically in mainstream archives and library collections. Instead, Chiang says historians relied on a number of sources including legal records which mostly focused on male sodomy charges and ignored female sexuality. In South and Southeast Asia, Chiang goes on to say, these legal records specifically revolve around cases under Section 377 of the Indian Penal Code that forbids 'carnal intercourse against the order of nature', a legacy of the British Empire that spread throughout British colonies in Asia and Africa. Other sources for the study of queer history include religious sources, medical and scientific literature and periodicals and the popular press.

Research on 'queer Asia' has critiqued early claims of 'global queering' (Altman, 1996) that explain it in terms of the 'spread of Western, especially American, sexual and gender cultures' (Jackson, 2009, p.15). Jackson (2009) claims that these arguments have not always relied on empirical studies on Asia, and have merely interpreted the use of English terms like 'gay' to mean the existence of Western modes of sexuality and sexual cultures. Jackson concurs with Adam et al (1999) who points out that the spread of the word 'gay' throughout the world cannot be interpreted as the rise of a universal gay identity. Instead, Jackson counters that the new queer identities that have developed in 'Asia' (by which he means Southeast Asia), are not actually 'converging towards Western forms', nor are they 'merely residues of premodern Asian traditions' like some scholars on queer Asia have claimed (e.g. Peletz et al., 2006). Jackson gives the example of 'm-t-f transgenders' *kathoey* and its synonym *phu-ying praphet sorng* (meaning, second type of woman) that are Thai terminologies that communicate more than a unidimensional gender identity. In South Asia,

this is reflected by the terms *meta* and *meti* in Nepal (Boyce and Pant, 2001), or *kothi* in India (Dutta, 2012), all of which communicate a preference for particular sexual as well as gender roles that might fit into a heterosexual framework, but also a sexual orientation and often, a distinctive gender identity that defies the heteronormative framework.

As academic and other studies of this nature are few and far between for Nepal, studies on LGBTI+ categories in Nepal have often relied on Indian sources in a process of sense-making as will be shown throughout Chapters 4, 5 and 6. Indian scholarship on LGBTI+ and queer subjectivities as well as the sexual subalterns have been the dominant sources of literature in the sub-continent. Within this, some of the earliest publications from India like those by Khan (1994), Joseph (1996) and ABVA (1999) began by explicitly situating queer mobilisation in the country within the context of 'global' gay rights activism, particularly around HIV/AIDS. This reflects growing concerns around the emerging HIV/AIDS epidemic in India and the sub-continent but also emphasises that the earliest formulations of identities in this context were not the indigenous variations that non-Western scholars relied on, but were rather the modern 'gay' and 'lesbian' identities that suited the imaginary of a modernising, post-independence India. However, these studies were soon followed by postcolonial endeavours to reclaim from history a more traditional, pre-colonial past (Kapur, 2000b) of the 'queer', particularly in the work of the Indian activist and academic Ruth Vanita (e.g. Vanita and Kidwai, 2000; Vanita, 2002; Vanita, 2004). These postcolonial theorisations were informed by Western queer theories but were located firmly in Eastern cultural and literary sources.

In contrast to this, studies on sexual subjectivities informed by subaltern studies found queer theorisations too limiting. Roy (2015) notes two agendas of mobilising the term 'subaltern' – as an identitarian category, the 'sexual subaltern' refers to all those positioned as subordinates within relations of sexuality, gender and patriarchy; and as an analytical category, the term can be used as a critical lens to the study of power. Ratna Kapur - a legal theorist from India - has been at the forefront of this theorisation of the 'sexual subaltern' as not just the 'disparate range of sexual minorities' (Kapur, 2000a, p.16) but also 'sexual practices and behaviours such as adult and consensual pre-marital, extra-marital, nonmarital, auto-erotic/ masturbatory, promiscuous, and paid-for sex, as well as MSM (men who have sex with men)' (Kapur, 2009, p.385). In terms of identitarian categories within this formulation, Kapur positions 'gays' and 'lesbians' and 'sex workers' as the sexual subalterns who together challenge sexual and cultural norms mediated by 'class, caste and religion' (Kapur, 2000a, p.16). Kapur includes sex workers within the sexual subaltern who had been

made hyper-visible during the AIDS crisis in India in the 1980s and 1990s, and who were denigrated by Indian feminists and the Indian state alike as bringing in a cultural but also physical demise through the practise of 'western lifestyles' and the import of a 'western disease' (Kapur, 2000a, p.20). In another paper titled 'Too Hot to Handle: The Cultural Politics of Fire', Kapur calls out 'lesbian rights advocates' protesting against the right-wing censorship of the purportedly first lesbian film *Fire* in 1998 that is believed to have sparked the queer movement in India, by asking the lesbian activists to what extent they 'have supported or been seen to visibly support the rights of other sexually marginalized communities' (Kapur, 2000b, p.61).

For Kapur, 'to examine sexuality as a self-contained category is not only reductionist, it denies the intersections of sexuality with race, gender, religion, and other axes of power' (Kapur and Mahmud, 2000, p.12). Along the same lines, Srila Roy also argues for the case of the 'sexual subaltern' which reportedly shifts the 'focus from the hetero/homo divide to include issues of intersectionality of class, caste, race, gender and religion, on the one hand, and nationalist, imperialist, and postcolonial ideologies on the other, as together constitutive of sexual subjectivity in the global South' (Roy, 2015, p.154). Roy goes on to say that 'the idea of subalternity with respect to sexuality also potentially captures, to a greater extent than does "queer", the relations and politics of subordination, exclusion, and invisibility attached to non-hegemonic sexual identities' (Roy, 2015, p.154). Gayatri Reddy's (2005) seminal book "With Respect to Sex: Negotiating Hijra Identity in South India" is another example of Indian theorists going beyond queer and sexuality studies to incorporate cultural and anthropological methods of inquiry. Like Kapur, Reddy's work centralises multiple axes of identity other than sexuality - including religion, kinship and gender - that are central to traditional subjectivities like *hijra* in the South Asian context.

In the case of Nepal, activists within both BDS and Mitini Nepal occupy the position of the sexual subaltern in the sense that they defy sexual and gender normativity. However, their subalternity might be differentiated by vectors of social stigma, economic power and the differences created by caste, gender or religion (Roy, 2015). For example, Dutta and Roy (2014) – in their reflections on the use of 'transgender' as a transnational umbrella term by development NGOs in India – shows how rights-based queer activism in India reproduces structural vulnerabilities of lower-class/caste groups by presenting them as merely 'local' expressions which require no serious engagement in development interventions. Similarly, Roy (2015) argues that even though lesbian activists in her study are middle class, educated,

employed, and are already active in politically organised groups, the absolute invisibility and marginalisation of lesbian existence maintains their subalternity.

A more nuanced account of subaltern theories, particularly in relation to non-normative sexualities, is out of the scope of this thesis even while recognising that the conceptualisation of the 'sexual subaltern' offers a more radical but also a more holistic cultural reading of sexual subjectivities in South Asia. The thesis does not label LGBTI+ activists who form part of this study as 'sexual subalterns' even though the subaltern is understood as occupying a position of social, economic and political subordination. This is because the thesis seeks to highlight the centrality of other subjectivities besides sexuality - like gender, caste, ethnicity or class - that might position an individual as a subaltern in one context but not in another. Since the thesis focuses on hierarchical relations between different subjectivities *within* the broad group of sexual subalterns and how those hierarchies translate into differential access to resources, the use of the 'sexual subaltern' would hide more than it reveals. In addition to this, the activists in this study do not use the term 'sexual subaltern' for themselves, as the term is more popular amongst elite academic circles than amongst the 'subalterns' who form a significant part of queer organising in the sub-continent.

Instead, the thesis employs the more hybrid approach adopted by Jackson (2009), drawing from his reflection below:

> "Early global queering studies, including my own, [Jackson (1995)] often presented an opposition between m-t-f transgenderism, imagined as a site of persistent premodern "tradition", and gay male homosexuality, represented as a domain of transgressive, Western-influenced, commodified modernity. This is a view I have since revised [Jackson (2003)]. Recent research reveals Asia's gay, lesbian, and m-t-f transgender cultures to all be modern forms that differ from both Western queer cultures and the premodern gender/sex cultures of their own societies." (Jackson, 2009, p.20).

Jackson situates his analysis in the context of Thailand which was never colonised by the West, and hence not applicable for applying what Wilson (2005) called the 'import-export' model of global queering which assumes that the categories have been imposed by the West on the rest of the world. As stated in the quote above, Jackson emphasises that Asia's LGT cultures are all modern forms of identities but also in a way that they differ from both Western queer cultures and premodern gender/sex cultures in their own societies. Importantly, Jackson goes on to say that even the seemingly 'indigenous' or 'local' categories like *kathoey*, tom and dee had taken their current forms in recent times (Jackson, 2009, p.24).

The Thai context reflects Nepal's location within non-postcoloniality (Des Chene, 2007) which, as Des Chene asserts, has not been taken seriously within South Asian studies. Des Chene argues that this is because of the continuing influence of colonial borders - both geographical and conceptual - within 'postcolonial studies' of South Asia (Des Chene, 2007, pp.209–210). This is of special significance given the similar and relative invisibility of Nepal that Des Chene points out within 'Asian' or 'South Asian' queer studies. When it does appear, it appears as a quick, generalised nod to the purported success of the 2007 Supreme Court case that legally recognised the third gender, and the 2008 election of Sunil Babu Pant to Nepal's Consitutent Assembly. While these are notable achievements, these cursory exaltations do not seriously engage with the complexities of queer mobilisation and subjectivity formation within the country (with notable exceptions like Tamang, 2003; Bochenek and Knight, 2012; Boyce and Coyle, 2013; Coyle and Boyce, 2015; Tadié, 2016; Schubotz, 2016).

2.1.2. Sexual rights and the global HIV epidemic: Situating HIV/AIDS intervention in South Asia

The International Conference on Population and Development (ICPD) 1994 was a watershed moment in developing the concept of sexual rights as not only protection from harm but also hinting at 'positive rights' (Petchesky, 2000; Petchesky, 2003) with the term 'sexuality' first mentioned at this conference. The reference, however, was limited to 'positive and responsible' sexual experiences and did not mention anything about diverse sexualities, making it a heterocentric text (Petchesky, 1995; Petchesky, 2000). At the Fourth World Women's Conference in Beijing (1995), attempts to include sexual diversity and sexual orientation in its Platform for Action was thwarted by conservative delegates through the replacement of the term 'sexual rights' by the 'human rights of women' in matters concerning their sexuality (Petchesky 2000). Similarly, at the time when the AIDS epidemic was at its peak, conservatives and traditionalists in these international forums vehemently opposed the inclusion of the most vulnerable groups of the epidemic – i.e. sex workers, drug users and men who have sex with men (MSM) - into debates on policies around sexual rights (Garcia and Parker, 2006, p.29). Despite this, NGOs working on women's rights provided a useful platform for feminists during this time to come together for advocacy when governmental delegations excluded them from the process (Bernal and Grewal, 2014a).

In South Asia, international AIDS intervention assistance paved the way for the proliferation of NGOs working for a select group of sexual minorities. LGBT groups and human rights groups working on AIDS or catering to urban, middle class gay and lesbian populations have been recorded in India since 1990 with the publication of the first gay magazine *Bombay Dost*. However, it was only after the establishment of Naz Foundation International (NFI) in India in 1996 by Shivananda Khan that a vast majority of marginalised, working class MSMs were brought into the fore of HIV/AIDS intervention work. NFI was an offshoot of the 1991 Naz Project in London targeted at lesbians and gay men of South Asian origin and played a key role in the establishment of local MSM/LGBT community-based organisations in India, Pakistan, Bangladesh and Nepal. With the opening up of the Indian economy to IMF-sponsored structural adjustment policies since 1991 and increasing international aid for the prevention and control of AIDS, the period between 1994 and 2004 reportedly saw the largest number of 'Gay-Lesbian-AIDS-NGOs' registered in the history of the Indian subcontinent (Kole, 2007, p.6).

This was precisely the period in which the first LGBT NGO in Nepal came into being, later morphing into one of Asia's largest LGBT organisation. Stacey Leigh Pigg (2001) in the first ethnographic study on the response to the AIDS epidemic in Nepal notes that AIDS was experienced mostly as an '*expected* epidemic' that had not yet hit the country due to warnings from epidemiologists in the late 1980s that South Asia would soon face rapid increase in HIV infections. Even amidst a lack of collective, public awareness of the disease in Nepal and despite the incidence of HIV infection remaining 'extremely low' throughout the 1990s, a huge influx of donor funds in this area led to an increase in the number of NGOs working on HIV/AIDs. Public knowledge about AIDS, then, was already being created out of an already established template set by powerful international organisations (Pigg, 2001). The first organisation to intervene in this area was the American Foundation for AIDS Research (amfAR) in 1992, which reportedly received over 80 applications from Nepali NGOs when only 114 cases of HIV infections had been identified in the country (ibid: 494).

However, alongside this resistance to the inclusion of sexual diversity in international debates on sexual rights, the late 1980s had already witnessed the draining of funds from gay-liberation causes to AIDS-related projects in the US, leading to concerns among activists that the political agenda of the gay and lesbian movement was being "de-gayed" (Rofes 1990; Vaid 1995, as cited in Ward, 2004, p.85). Despite these concerns, government funding in the US made available for HIV/AIDS services also led to the growth of organisations established by and for queer communities of colour in the country who had not been able to

access private sources of funding that were more readily available to white lesbian and gay organisations (Clendinen and Nagourney, 1999). United States Agency for International Development (USAID) and other small donors were actively beginning AIDS programmes or commissioning preliminary studies around the world. In Nepal, these programmes were launched at a time when the NGO sector was burgeoning after the restoration of multiparty democracy in the country in 1991.

In a later paper co-authored with Linnet Pike, Pigg and Pike (2004) note that AIDS was able to do what the ICPD and the Beijing Platform for Action failed to do in Nepal (Garcia and Parker, 2006). It contributed to establishing sexuality as a matter of national and public concern. However, Pigg and Pike note that government interventions emphasised the foreignness of the disease, linking the disease to homosexuality in single-sex institutions like prisons or hostels, among tourist populations, and among people who cross national border frequently (often for labour work) (Pigg and Pike, 2004, p.5). This association of AIDS shifted to specific 'risk groups' within the society after 1993 when donor funding 'dramatically boosted AIDS awareness activities' (ibid: 6). The moral panic among urban, middle class and largely upper caste groups in this period rested upon sensationalist stories around prostitution and girl-trafficking, making young women the target of government awareness campaigns.

HIV/AIDS and queer activism in India

Hijras, alternatively known as the 'third sex', are recorded to be the first non-conforming groups in terms of gender and sexuality to mobilise as a cultural but also political group in India. Besides gathering in large numbers for festivals and special ceremonies, the first records of political mobilisation of hijras in India is in the context of two national conferences in 1969: an All India Hijra Conference in Nadiad where hijras demanded that they be counted as females instead of males in the national census, and another conference in Bhopal where they protested against the government-sponsored family planning policies (Hall, 1997, p.431). One of the biggest mobilisations of hijras, however, came in 1981 in Agra with another All India Hijra Conference, reportedly attended by over 50,000 hijras from India and Pakistan (Hall, 1997, p.431). Hall emphasises that it was due to the persistent political mobilisation of these networks that hijras in India and Pakistan have been able to gain some landmark political victories.

> "…the 1936 decision to give hijras government pensions, ration cards and the right to vote (Shrivastava 1986), the 1952 and 1977 decisions to allow hijras to run for local office as women (Singh 1982), the decision in the 1950s to lift Ayub Khan's ban on hijra activities in Pakistan (Naqvi and Muztaba 1992), and the 1994 decision to give hijras the right to vote as women in upcoming elections (Hindustan Times 1994)." (Hall, 1997, p.431).

While hijras mostly organised among themselves to focus on issues of civil rights and liberties, the HIV/AIDS crisis that started in Chennai, India with its first identification among female sex workers in 1986 (Solomon et al., 2006) added another dimension to queer organising in the country. Although gay groups like Sneha Sangam had already been active around the same time, it was through the establishment in 1988 of the AIDS Bhedbhav Virodhi Andolan (ABVA) - the first group to fight government and societal discrimination against people with HIV/AIDS - that gay and lesbian mobilisation in the country came to public attention. In a ground-breaking report 'Less Than Gay' published in 1991, ABVA was first to castigate Indian legislators for retaining the British colonial legacy of anti-sodomy law instituted in Section 377 of the India Penal Code, 1861 (ABVA, 1991). The report was the first one from the Indian sub-continent to call for the rights of gay people and demand that Section 377 and all other discriminatory legislations criminalising homosexual acts be repelled. This included what would now be seen as comprehensive call for the most debated LGBT rights so far. The report called for equal rights to be provided for 'all gay citizens and other sexual minorities such as hijras' (ABVA, 1991, p.68); to recognise their right to privacy; to stop all harassment and violence against them especially by the police; to establish a Commission to document human rights violations against them; to ensure non-discrimination in medical establishments and acknowledge MSMs within the national HIV/AIDS response policies; to legalise same-sex marriage and to provide legal recognition of same-sex partnerships and friendships as a valid form of family life (*ibid*: 68-69)[1].

According to the ABVA, significant human and financial resources had been put into 'AIDS education' since 1985 when the National AIDS Control Programme was established and the government then was 'in the process of negotiating a huge AIDS grant of 65 million dollars from the WHO-World Bank' (ABVA, 1991, p.66). In 1994, the same year when ABVA challenged the legality of Section 377 in court, the Humsafar Trust was founded in Bombay by the first 'out' activist, Ashok Row Kavi, focusing on HIV prevention work. Humsafar immediately organised a joint gay men's conference with the Naz Project based in London. In 1995, an ABVA member, Anuja Gupta, testified at a tribunal on human rights violations against sexual minorities in New York (Queer Ink website, accessed on 29 April 2019). In 1996, an offshoot of the Naz Project was established in India called the Naz Foundation

International Trust (popularly known as the Naz Foundation, or simply Naz). The year after, Naz helped establish Bandhu Social Welfare Society in Dhaka, Bangladesh to work on HIV/AIDS among MSMs. In the same year in 1997, a student of law and gay activist Arvind Narrain organised the first LGBTQ rights seminar at the National Law School in Bangalore, India (Kumar, n.d., p.138). In December 2001, the Naz Foundation and the Lawyers Collective filed a petition at the Delhi High Court challenging the constitutional validity of Section 377. As noted by Voices Against 377 - a coalition of those working on decriminalising homosexuality in India - in its record of the history of LGBT rights in the country.

> While critics have pointed out that the focus on HIV/AIDS at times did take away from the rights discourses of those working with sexuality issues in the country, it cannot be denied that the HIV/AIDS route gave those working on sexuality issues a certain legitimacy and space to begin work in this area." (Voices Against 377 website, accessed on 21 May 2019)

The Nepali LGBTI movement spearheaded by BDS adopted only some of the paths laid out by these mobilisations in India, paths that were nonetheless significant to how the movement would pan out. Naz, Humsafar, the Lawyers' Collective and key actors within these organisations went on to play crucial roles as allies for the Blue Diamond Society in Nepal.

2.1.3 HIV/AIDS interventions in Nepal in relation to global mobilisation against the epidemic

The first study on HIV/AIDS in Nepal identified within the context of this study was conducted in 1985 by German scientists Mertens et al. (1989) when they reported no HIV among 460 sera from four hospitals in Kathmandu, the capital of Nepal. The first case of HIV infection, however, was recorded soon after in 1988 (UNAIDS, 2000). By July 2001, the national government statistics identified 'cumulative totals of 2024 people infected with HIV, of whom 516…[had]…developed AIDS, and 149 AIDS-related deaths' (National Centre for AIDS and STD Control 2001, as cited in Furber et al., 2002, p.141). However, Furber et al. (2002) point out that this was a 'gross underestimates [sic] of community prevalence' since the data was only based on voluntary testing and sentinel surveillance (Chin 1999, as cited in ibid 2002: 141). As cited in Furber et al. (2002), Chin (1999) used an estimate of 30, 000 infections, which he expected "to double by 2005, which would make AIDS the leading cause of adult death in Nepal by 2010. Similarly, UNAIDS - reportedly

using mathematical modelling techniques - is cited to have estimated the figure of people living with HIV/AIDS in Nepal at 34,000 by the end of 1999, more than half of whom would comprise of men. The number of infections projected - whether or not they truly reflected the scale of the crisis - led to HIV/AIDS being seen as an 'already impending crisis' by scholars writing on the subject like the then Dr. David Seddon from the University of East Anglia (e.g. Seddon, 1995).

In 2002, Furber et al. (2002) published a systematic review of the available literature on sexual behaviour and the unfolding epidemic in Nepal. The authors identify two major sources of 'grey literature' on the subject - the University of Heidelberg/Government of Nepal HIV/STD Project and the Nepal country office of Family Health International (FHI) (Furber et al., 2002, p.141). The long involvement of German scholars in Nepal-related research is outside the scope of my study. Instead, I focus on the involvement of FHI and organisations like DFID – for whom Furber worked when he conducted the study. Before this DFID-initiated study, a review of the available literature accessed during my desk study shows that HIV/AIDS work in Nepal was mostly carried out by US-affiliated institutions like USAID, amfAR and FHI. All of these organisations went on to work with BDS later on. However, before BDS, there is no mention of MSMs in their work in Nepal as recorded by Hannum (1997) and Furber et al. (2002). Hannum's (1997) evaluative study on amfAR's first international research project on HIV/AIDS which happened to be in Nepal only briefly mentions 'homosexual men' as an 'overlooked sub-population' within international HIV/AIDS work in Nepal. It is important to note that Furber worked for DFID when he conducted this study.

Between the first HIV tests conducted in Nepal in 1985 by Mertens et al. (1989) as mentioned above and the establishment of BDS in 2001, the focus of what was then a reluctant national HIV response programme was only on two 'high risk groups' - injecting drug users and female commercial sex workers (Furber et al. in 2002). As with the case in India, MSMs were left out of both national and international interventions. In this regard, the concluding paragraphs by Furber et al (2002) is of particular significance. In the paper, the authors conclude that there was a lack of adequate data on sexual behaviour and sexual networks in Nepal, lack of data on the 'bridge populations' that are at high risk of transmitting HIV to the general population, and a 'surprising' lack of information on male-to-male sexual behaviours especially since similar data was widely available in the neighbouring countries of India, Pakistan and Bangladesh (Furber et al. 2002: 144). Drawing upon studies on male-to-male sexual behaviour in the other three South Asian countries,

Furber et al (2002) emphasise a number of times in the article this curious case of the missing MSMs within the Nepali national-level response to what was already a global epidemic. They quote only one available study by Upadhyay (1998) that mentioned "condom distribution in a Kathmandu prison with the explicit purpose of harm reduction from homosexual acts" (Upadhyay 1998)". As mentioned before, Hannum's (1997) study on amfAR also only briefly mentions 'homosexual men' as an 'overlooked sub-population' within international HIV/AIDS work in Nepal.

Similarly, in a Report on the Global HIV/AIDS Epidemic in June 2000 by its head office in Geneva, UNAIDS presents data on estimated HIV prevalence for female sex workers, injecting drug users and the general population of men and women in Nepal (UNAIDS, 2000). The report, however, does not make any reference to MSMs in the country but shows how MSMs and gay men are at risk of the epidemic throughout the world including in the US, Latin America and the Carribean, Africa, Australia, and Asia among others. India is the only country within South Asia from where data on MSMs were available for this UNAIDS report in 2000. Another UNAIDS/WHO Epidemiological Fact Sheet published in 2004 – i.e. after BDS's formation - mentions MSMs as a sub-population at risk but presents no data on their size estimation and expected infections, indicating that such research work might not yet have been carried out on MSMs in the country (UNAIDS et al., 2004). It is safe to then conclude that none of the actors including amfAR, UNAIDS or FHI – not to mention the Nepali government – had started working with MSM populations in Nepal before BDS was established in 2001.

The Nepali government's response to the expected epidemic was sporadic and weak. A National AIDS Prevention and Control Programme was launched immediately after the first HIV infection was diagnosed in 1988 (World Bank website, 2012 as accessed on 21 May 2019)[6]. Four years later in 1992, a multi-sector National AIDS Coordinating Committee (NACC) chaired by the Minister of Health was established while a national policy 'emphasising the importance of multi-sectoral involvement and partnership between the public and the private private sectors (including NGOs)' was only formulated in 1995 (ibid). The country's first HIV control strategy took two more years to formulate in 1997, with subsequent strategies developed in 2002, 2006 and 2011 (NCASC, 2017). While the NCASC (2017) report states that a National Strategy only came into effect from 2002, a more recent review of published and unpublished documents on the country's HIV infection control

[6] See http://www.worldbank.org/en/news/feature/2012/07/10/hiv-aids-nepal

programme by a group of 11 researchers and officials including the NCASC (National Centre for AIDS and STD Control), academic institutions and UN agencies like UNAIDS and WHO records that the first National HIV strategy was put in place only in 2006 (Paudel et al., 2016). Conflicting accounts between institutions are more common than not, though such conflicts – especially in this particular case – are not without significance. International institutions like the WHO are often reported to have bemoaned the government's lackadaisical response to what the former saw was a growing epidemic:

> "In 2002, a National AIDS Council (NAC) chaired by the Prime Minister was established to raise the profile of HIV/AIDS. The NACC reports to the NAC. The NAC was meant to set overall policy, lead national level advocacy, and provide overall guidance and direction to the program. The NACC, on the other hand, was expected to lead the multi-sector response, and to coordinate active participation of all sectors in the fight against HIV. However, both the NAC and the NACC have essentially been non-functional."

Pigg (2001) indicates that the Nepali government's slow response to the matter was mainly because AIDS was seen as a 'foreign disease' (Pigg 2001, p.494). It is also because the Nepali government did not feel the same urgency to respond to an epidemic that was only 'expected', compared to other public health issues in the country. Though reports from donors do not mention this, budget allocation to the Ministry of Health has increased consistently from NPR 8 billion in FY 2005/06 to NPR 40.56 billion in 2016/17, indicating that government resources were directed to other public health issues that it deemed important then. When it came to responding to HIV/AIDS, government records acknowledge that the funding primarily came from 'a multiplicity of donors each financing their own vertically structured prevention programme…implemented through NGOs, INGOs and CBOs' (GoN, 2010, p.59).

One of the international organisations that instigated this process of CBO formation around HIV/AIDS in Nepal - as Pigg (2001) notes -was the American Foundation of AIDS Research (amfAR), now known as The Foundation for AIDS Research. AmfAR was founded in 1985 by a group of American physicians and scientists to lead research on the epidemic at a time when they were still trying to figure out the cause, symptoms, preventive mechanisms and cure for AIDS. AmfAR's started its work in Nepal in 1993 with a call of applications for a three-year project on HIV/AIDS to be carried out via Nepal-based CBOs (Hannum 1997, p.182). In a book chronicling amfAR's early involvement in AIDS intervention work in Nepal, Jill Hannum (1997) reports that as many as 80 organisations with no prior experience in the field of HIV/AIDS answered to this call for proposals, out of which 17 were selected

to work with amfAR. Some of these were 'small budget community-based organisations that had formed specifically in response to amfAR's request for proposals' (Hannum, 1997, p.52). According to the report, these organisations were selected for their links to the community most at risk, rather than for their track record of having had experience of working on HIV which was not surprising given the novelty of the epidemic within the country. Pigg and Pike (2001) also note in their ethnographic study on HIV/AIDS work in Nepal in the 1990s that an 'influx of capital and technical support for AIDS prevention…resulted in a range of medium and small Nepali NGOs and local community-based organisations (CBOs) becoming involved in a global effort to combat AIDS'(Pigg and Pike, 2001, p.180). Organised prevention methods, as Pigg (2001) notes, were 'remarkable' given the 'relative invisibility of AIDS as an illness in Nepal (Pigg, 2001, p.481) and despite the HIV infection rate remaining 'extremely low' during this period.

This model of working with local CBOs was soon extended by other mechanisms working on HIV/AIDS like the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund from hereon) wherein it worked with CBOs run by those who themselves were affected by - or were at high risk of - HIV infection. As will be shown further in this thesis in Chapter 5, one of the unintended consequences of this model was that affected groups required the creation of organisations seen to represent them *before* they could be officially acknowledged as one of the 'key populations'. This creation also required relevant (and often quantitative) data on the said population in order to prove their existence. Before BDS's first study on MSMs in 2001 conducted through FHI funding, public and written knowledge including numerical data on MSMs did not exist. What this also meant was that BDS could not be recognised as a legitimate organisation worthy of receiving HIV/AIDS funding without this study. Just as the 'template' for knowledge around AIDS was already put in place by 'AIDS expertise' consolidated in powerful international organisations coming into Nepal in the 1990s (Pigg, 2001, p.481), a similar 'template' for legitimate groups and organisations worthy of funding were also set by these organisations.

According to the Global Fund, as of November 2017, Nepal had an HIV prevalence of 0.17% and there are over 32,000 estimated people living with HIV, though only a little over 18,000 cases have been officially reported. Out of this, only 59 are transgender women while 11,274 are male (both heterosexual and MSMs).

2.2 Social Movement Theories

Mario Diani defines social movement as 'a network of informal interactions between a plurality of individuals, groups and/or organisations, engaged in a political or cultural conflict, on the basis of a shared collective identity' (Diani, 1992, p.13). Fuchs (2006) identifies two approaches to social movement theory – the US resource mobilisation and political opportunities approach, and the European New Social Movement (NSM) approach. The Resource Mobilisation Theory (RMT) approach developed against an earlier collective behaviour approach that saw social movements as irrational outcomes of grievances. Until the 1960s, studies on social movements - based on the experiences of 'urban riots' or the labour movements in the 19thcentury industrial worlds of Europe and the US, as well as the growth of Nazism in the 20thcentury – were focused on understanding the nature of mobs. The civil rights movements that peaked in the 1960s which saw widespread participation of students, the middle-class and those with a college education led to several conceptual turns to previously held notions on social movements (Goodwin and Jasper, 2015).

First was the economic turn based on the work of an American economist and social scientist, Mancur Olson, who stated in his 1965 book *The Logic of Collective Action* that collective protests or movements were rational and deliberate choices of individuals who carefully weighed costs and benefits to joining any movement. This rational perspective to movement mobilization, however, viewed participants as overly individualistic.

2.2.1 Resource Mobilisation Theories

The second turn in social movement theories came with resource mobilisation theory (RMT) by McCarthy and Zald (1977) which was based on rational choice theory and was another economic version of protest. McCarthy and Zald (1977) argued that collective action is a rational response that can only occur when adequate resources are available, and that the level of mobilisation depends on the resources available to the movement (like material goods, organisational strength, presence of elite allies), as opposed to the degree of oppression. This was in contrast to the 'collective behaviour perspective' proposed by Turner and Killian (1957) within which social movement was seen a collectivity aimed to promote or resist a change in society 'with indefinite and shifting membership and with leadership whose position is determined more by informal response of adherents than by formal procedures for legitimising authority' (as cited in Diani, 1992, p.4). Though the RMT

approach defined social movements in similar terms as the 'collective behaviour' approach, it differed from the latter because of its focus on the conditions under which social movement organisations (SMOs) are constituted, and the dynamics of cooperation and competition between them within a broader social movement sector where the constituencies of one SMO might overlap with the that of the other (Diani 1992).

The RMT approach took professionalised, formal organisations with full-time, paid leadership and a non-existent or paper membership base as central to movement mobilisation, stability and maturation (McCarthy and Zald 1977). The RMT theorists explained social movements as deriving from successful mobilisation of resources and political opportunities by rational actors, hence implying that affluence and prosperity tended to foster the emergence of social movements (Fuchs, 2006, p.106). RMT considered selective incentives, external resources (McCarthy and Zald 1977), and mobilizing structures (McCarthy, 1996) as the arrangements that enable mobilisation, and social capital and personal networks as further aiding mobilisation.

Extending this analysis, Edwards and Gillham (2013) point out two long-standing debates about resource access within earlier works of RMT – the first debate being around whether social movements obtain their resources mainly from internal or external sources; and the second debate dealing with the extent to which external support might constrain movement goals and activities. However, as Edwards and McCarthy (2004) argue, these theorisations ignore what recent RMT work has revealed about uneven distribution of resources. Studies on uneven distribution of resources have sought to understand how individual and collective actors try and alter this distribution in order to direct resources to particular movements. This recent development in RMT that moves from a focus on resource availability to a focus on means of resource access seeks to understand how movements and SMOs obtain their resources from a combination of multiple internal and external sources (Edwards and McCarthy 2004, p.135). This has been known as the organisational-entrepreneurial branch of RMT (Edwards and Gillham 2013, p.1) that takes analytical insights from organisational sociology and extends them to the analysis of social movements.

Based on these analyses, Edwards and McCarthy (2004) proposed an extension to the previously narrow focus of RMT on material[7]and human[8]resources to include moral, cultural and socio-organizational resources. Moral resources (Edwards and McCarthy, p.125) comprise of integrity, legitimacy, solidarity support, sympathetic support and celebrity, of which legitimacy has received the most theoretical attention and celebrity the least. Moral resources originate outside of a social movement and are bestowed by external sources known to possess them, like celebrities, renowned activists or socially legitimated institutions (Edwards and Gillham 2013, p.3). Moral resources can also be created by social movements, like in the case of civil and human rights movements that have produced moral authority as a powerful resource.But these resources are less accessible and more proprietary than cultural resources because they can be easily retracted by whoever possesses them.

In contrast, cultural resources (Edwards and Gillham 2013, p.3) include cultural products and artefacts like conceptual tools and specialised knowledge that are widely, though not necessarily universally, known. This includes tactical repertoires[9] (protest-related tools and actions), organisational templates, and technical or strategic know-how that facilitate mobilisation, socialisation, commitment, access to additional resources and capacity for collective action. The difference between cultural and moral resources, according to Edwards and Gillham, are that the former is 'more widely accessible and available for use independent of favourable judgments from those outside a movement or SMO' (Edwards and Gillham, 2013, p.3) though not necessarily evenly distributed or universally available. The third type of resources involves three forms of socio-organisational resources (Edwards and Gillham 2013, p.4) – *infrastructures* (equivalent to public goods that facilitate the smooth functioning of everyday life); *social networks* (mediated by insiders of an SMO and which can often be hoarded by them and denied to outsiders. However, the scarcity of social networks can be overcome by forging coalitions with other SMOs or by co-opting resources from others); and *organisations* with varying degrees of formality.

[7] Material resources include financial as well as physical resources like property, office space, equipment and supplies. Financial resources can be converted into other types of resources and should not be underestimated (Edwards and Gillham 2013:4)

[8] Human resources are also tangible like material resources and include labour, experience, skills, expertise, and leadership contributed by individuals through participation in a social movement or engagement with an SMO. The expertise required depends on the situation. Human resources can also be utilized to provide moral resources as explained below.

[9] Taylor and Van Dyke (2004) take a broader understanding of tactical repertoires as including contestation, intentionality, and collective identity, with large-scale social, political, and economic processes constraining tactical options available.

Edwards and McCarthy (2004) illustrate up to 20 exchange relationships when these five types of resources interact with four means of access - i.e. access through aggregation or accumulation of already available resources, self-production of resources, co-optation of resources with some degree of transfer of proprietary control over those resources, and conferment of resources via patronage. While Edwards and McCarthy's framework takes into account a broader range of resources and makes an important contribution by drawing attention to means of resource access, there are practical drawbacks to their framework. This is because, firstly, it is difficult to neatly classify resources into these five types since what the authors classify as socio-organisational resources (i.e. organisations, infrastructures and social networks) can also be classified as material and human resources. Secondly, this overlap between resource types also complicates the mapping of each resource neatly into the table used by the authors showcasing how these resources are accessed by each SMO. Therefore, while the analysis in this thesis pays attention to Edwards and McCarthy's (2004) focus on resources as well as means of access to those resources, the study mainly focuses on only specific resource types based on their significance as gathered from interview data. This means that the chapters in this thesis focus on available or accessible resources that acted as catalysts for LGBTI+ activism and collective identity formation in Nepal, as detailed in a later section.

2.2.2 Political Opportunity Structures or Political Process Theories

The third turn in social movement analysis – **political process theory (PPT)** - developed alongside the RMT perspective. The PPT approach focused on external environments of social movements and tried to understand how these might create opportunities for movements to emerge. Caren (2007) identified three precursors to PPT - the first being Olson's formulation of collective protests/movements as rational and deliberate choice of individuals, and the second being McCarthy and Zald's conceptualisation of RMT. The third precursor was Piven and Cloward's (1977, as cited in Caren, 2007) attention to economic and political systems where they argued that only during times of political upheaval were movements able to extract concessions from elites. These insights were synthesised by Charles Tilly in his foundational work, *From Mobilization to Revolution* 1978 where he says that the interaction between the three – interests, organisation and opportunity – best explained level of mobilisation and collective action (as cited in Caren 2007, p.2). However,

according to Caren, it was in McAdam's work on the Civil Rights Movement, *Political Protest and the Development of Black Insurgency* (1982), that PPT found its central text. Drawing on earlier works on RMT, critiques of the classical approach, as well as the work by Tilly, McAdam identified three factors of a political process model within the context of the rise and decline of the US Civil Rights Movement – political opportunities, indigenous organisational strength, and cognitive liberation.

Herbert Kitschelt - a political scientist who coined the term 'political opportunity structures' - defined it as 'specific configurations of resources, institutional arrangements and historical precedents for social mobilization, which facilitate the development of protest movements in some instances and constrain them in others' (Kitschelt, 1986, p.58). McAdam adopted a broad definition of political opportunities as 'any event or broad social process that serves to undermine the calculations and assumptions on which the political establishment is structured' (McAdam 1982: 41, as cited in Caren 2007, p.2). His examples of political opportunities varied from wars, industrialisation, international political realignments, prolonged unemployment to widespread demographic changes, all of which worked indirectly to change the degree of power inequality between those demanding change and those from whom these changes were sought, which was often the state.

The second factor of indigenous organisational strength referred to pre-existing political or potentially political organisations. The third factor – cognitive liberation – referred to the awareness among participants of grievances against the existing political system, and the belief that their involvement could bring about meaningful change. While 'cognitive liberation' focused on individual sense of empowerment before involvement, its later development into 'framing processes' of movements emphasised dynamic processes of strategic decision making at a higher, organisational level. Similarly, in contrast to the focus on formal 'indigenous organisational strength', later PPT theorists talked of 'mobilising structures' which includes both formal as well as informal collectives through which people mobilise for collective action.

Armstrong and Bernstein (2008) critique the view of society and power underlying the political process model as too narrow. They propose a multi-institutional politics approach to social movements which moves away from the assumption of the political process model that domination is organised by and around one source of power - the state - and situates culture as secondary. Their alternative perspective suggests that domination is organised around multiple sources of power, which is simultaneously material and symbolic, and sees

culture as constitutive of this power. While the previous model saw the state as the target and sought policy changes or claimed benefits and inclusion within the state, their model sees the state as well as other institutions and culture as the target of the movement. This later model goes beyond exploring the conditions under which challenges or conflicts originate, survive and succeed. It is concerned more with understanding why challenges or conflicts take the form that they do, and what this tell us about the nature of domination in the society.

This thesis on the case study of the LGBTI+ movement in Nepal adopts Armstrong and Bernstein's (2008) multi-institutional approach to social movement analysis as part of its methodology. This is because the LGBTI+ NGOs in this study engage with multiple sources of power including the state, the donors that fund them, as well as transnational LGBTI+ and human rights discourses as adopted by their allies. As will be discussed in this thesis, these networks the LGBTI+ NGOs form with multiple sources of power provide them the various resources mentioned above. However, in order to do this, the NGOs often employ certain strategies like framing of their agendas in a way that is legible to these networks, or collectively mobilise around certain identities recognised by these networks. These two concepts of identities and framing will be discussed under 'new social movements' in the section below.

2.2.3 New Social Movement Theories

Buechler (1993) has critiqued the earlier RMT approach for obscuring more than assisting wider understanding of collective action due to its ontological claim about a social world of isolated individuals acting solely on self-interest. He argued that the RMT framework also posed conceptual challenges because of its silence on central concepts of collective identity, movement diversity, and cultural constructions. Buechler instead suggested that the crisis of the earlier RMT framework can likely be resolved within the new paradigm shift initiated by European theorists studying 'new social movements' (NSM).

Buechler (1995) identifies four major theorists to explain the range of NSM theories coming from different intellectual traditions – i) Castell's emphasis on urban social movements which recognised both class-based and non-class based constituencies, emphasising a dialectical mixture of both 'political' and 'cultural' orientations of NSMs; ii) Touraine's

concept of historicity as 'the growing capacity of social actors to construct both a system of knowledge and the technical tools that allow them to intervene in their own functioning'; iii) Melucci's emphasis on the central role of identity in modern collective action; and iv) Habermas' idea that NSMs are more concerned with cultural reproduction, social integration and socialisation than material reproduction (Buechler, 1995, p.444).

NSM theorists oppose economic reductionism and class reductionism by saying that social movements cannot solely be attributed to economic changes and the position of actors in the production processes. NSM theories look at 'other logics of action based in politics, ideology, and culture as the root of much collective action, and they have looked to other sources of identity such as ethnicity, gender and sexuality as the definers of collective identity' (Buechler 1995, p.442). The central struggle within NSM is the collective control of meanings and new forms of identities (Fuchs, 2006).

Buechler (1995) suggests a typological distinction between 'political' approaches to NSMs (more focused on macro- and state-oriented which don't reject class analysis and sees NSM's potential for progressive orientations if allied with working-class movements, as Castells proposes); and 'cultural' approaches to NSMs (focused on the micro or everyday life and the creation of free spaces between the state and civil society, but which doesn't see class as important nor think NSMs should be political in the conventional sense, as Melucci (1996) proposes). Buechler concludes that the political and cultural versions of NSM theories could make their greatest contribution when situated alongside other theoretical schools like the RMT approach that talks of meso-level organisation and strategy and social constructionism that talks of microlevel concerns of identity and grievances. The next two sections discuss these two microlevel concerns of identity and framing (of grievances).

Identities

Cultural and cognitive theories on social movements are premised on the belief that movements arise and work within social and cultural contexts that are 'ripe with meaning' wherein personal values and beliefs or identity affiliation rather than social class often determine participation of individuals (Caniglia and Carmin, 2005). This was crystallised in the new social movement (NSM) theories when it was found that membership in the women's, environmental, peace, and gay and lesbian movements were better explained by identity affiliation than social class. Among NSM theorists, Melucci's most useful

contribution was to emphasise the central role of identity in modern collective action. As he wrote, ‘people’s propensity to become involved in collective action is tied to their capacity to define an identity in the first place’ (Melucci 1988, cited in Buechler 1995, p.446). Melucci saw the social construction of identity as both a major prerequisite and a major accomplishment of new social movements.

In contrast to personal identities that make an individual unique, collective identities make people occupying the category similar. As Polletta and Jasper (2001) explain,

> 'Collective identity describes imagined as well as concrete communities, involves an act of perception and construction as well as the discovery of pre-existing bonds, interests, and boundaries. It is fluid and relational, emerging out of interactions with a number of different audiences...rather than fixed. It channels words and actions, enabling some claims and deeds but delegitimising others. It provides categories by which individuals divide up and make sense of the social world.' (Polletta and Jasper, 2001, p. 298).

Polletta and Jasper (2001) see 'collective identity' as a response to gaps in dominant RMT and PPT models that focused on the 'how' of mobilization (structural shifts) over the 'why' of it (see also Diani, 1992), and the focus of the RMT and PPT models on the nation-state as a target of action, and the theories’ dependence on rationalistic images of individual action. Polletta and Jasper (2001) point out that identity plays important roles in four phases of protest: movement emergence and creation of collective claims to identity and interest; recruitment into movements; strategic and tactical decision making; and movement success. Collective identities, they say, do not necessarily precede mobilisation, though strategic framing of identities might be crucial for further mobilisation of potential adherent and constituents. They give the example of ACT UP in the UK which sought to convince lesbians and gay men that protests around AIDS was an essential expression of their gay identity. However, collective identity - which defines the boundaries of a social movement - ‘does not imply homogeneity of ideas and orientations’ (Diani, 1992, p. 9). The next section will discuss this second concept of framing within NSM theories. As this thesis will show, within such heterogeneity, some ideas or ideologies end up gaining more resources and solidarity from influential allies. These processes of unequal distribution of resources and solidarity are also compounded by the categories delineated for such support within transnational funding regimes.

As Bernstein (2005) argues, the neo-Marxist criticism of identity politics did not see it as a distinct political practice that challenges relations of power. They criticise activism

organised around status identities as essentialist rather than understanding them as socially constructed, which makes it impossible to articulate a universal vision of social change and inhibits coalition formation (Turner 1999, as cited in Bernstein 2005). Bernstein further says that the criticisms against essentialism often ignore that these claims might be strategic manoeuvre owing to structural constraints - rather than an ontological position – which would still allow for the creation of universal vision of social change, and for the formation of coalitions. She explains that identities are often invoked and/or felt as essentialist because of how certain identities have been repressed, delegitimated or devalued (Calhoun, 1994); the political opportunities available at any given time (Meyer et al., 2002) and the explanation provided by feminist standpoint theory which foregrounds personal subjectivity derived from experiences of oppression as empowering and an impetus for social change (as cited in Bernstein 2005, p. 60).

Bernstein (2005) goes on to say that even the NSM approaches continue to separate identity and culture from political economy. She cites the examples of Duvyendak and Giugni (1995) and Duyvendak (1995) who argue that contemporary movements like the lesbian and gay movement are internally oriented and that their goals are aimed simply at reproducing the identity on which the movement is based. However, Stychin's (2003) examination of European institutional reform efforts regarding same-sex sexualities provides important links between economic inequality and policies regarding sexualities. For e.g. Romania had to decriminalise homosexuality in order to gain entry into the EU. Regarding the context of globalisation, Keck and Sikkink (1998) state that it facilitates movement emergence around status identities through global communication and networks and the resultant emulation of identities and tactics deployed elsewhere. On the other hand, Adam et al (1999) point out how this often means adopting "western" gay identities within the lesbian and gay movements in the global South, at the expense of local ways of organizing same-sex erotic behaviour.

Like the neo-Marxists, postmodern and poststructuralist analyses also view organising on the basis of status identities as ultimately essentialist because such activism will solidify these categories, which will then be used to regulate and dominate subordinate status groups. Understood through post-modern views of power, identity politics appears to be narrow, legal/political, state-centered activism that fails to adequately address cultural bases of power and oppression. An example could be the assimilationist lesbian and gay politics that pursue a reformist strategy rather than the radical transformations sought by liberationists within the same movement. However, Epstein (1987) argues that despite the insights of

social constructionism, lesbian and gay identities are experienced in ways similar to contemporary ethnicity and claiming a minority status as such is a strategic way to gain access to the American polity (as cited in Bernstein, 2005, p.61). However, Bernstein (2005) argues that acknowledging this essentialism would undermine any claims made on this basis. The post-modern/post-structuralist view also critiques identity politics for ignoring intersectionality, privileging some identity at the expense of others, and failing to recognise diversity by imposing a uniform identity. However, Bernstein again critiques these studies as failing to identify the causal mechanisms that link identity politics to their purported outcomes and for overlooking the difficulties in eliminating social categories altogether. Garza (1995), on the other hand, challenges the assumption that activists and theorists understand their identities as ontologically prior to their activism.

Identities, then, cannot be taken at face value like Bernstein (2005) suggests. Instead, studies on movements organised around status identities need to be cognisant of whether the essentialist ways in which identities are used are, in fact, strategic. The next section discusses the second sub-section on ‘framing’ under the NSM approach.

Framing

Frame - "an interpretive schemata that simplifies and condenses the 'world out there' by selectively punctuating and encoding objects, situations, events, experiences, and sequences of actions within one's present or past environment' (Snow and Benford, 1992, p.137). Successful frames ‘make a compelling case for the ‘injustice’ of the condition and the likely effectiveness of collective ‘agency’ in changing that condition’ (Polletta and Jasper, 2001).

Framing refers to the ‘signifying work, that is the processes associated with assigning meaning to or interpreting "relevant events and conditions in ways intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists" (Snow and Benford, 1988, p.198).

Two decades prior to the mid-1980s, resource mobilization and rational choice perspectives ruled social movement literature. By the beginning of the 1990s, "ideational factors and the processes of interpretation and symbolization" were "attracting increasing interest and being discussed under the rubric of 'social constructionism'" (Snow and Oliver 1995: 586 as cited in Benford, 1997, pp.409–410). One of the most popular approaches within the movement

ideational and interpretive issues was the framing perspective, which is pertinent to grievance construction and interpretation, attributions of blame/causality, movement participation, mobilization of support, resource acquisition, strategic interaction and selection of tactics and targets. But according to Benford (1997), framing studies have suffered from the neglect of systematic empirical studies and they suggest going back to the thematic question that inspired Goffman's *Frame Analysis* "Under what circumstances do we think things are real?" He says this might allow us to better formulate our research questions that would allow us to pursue a study on framing processes and their relative effects**.** From a constructionist standpoint, the question isn't about finding what is happening but rather under what conditions do people believe in a particular version of reality? Or why do people frame certain things in a certain manner at any given time?

The other criticism Benford has is on descriptive bias wherein there is a tendency to focus on a long list of types of frames (e.g. collective action frames or master frames) which has detracted from more interesting analyses of framing processes and dynamics. And yet some generic frames that can be widely applied like injustice frames (Gamson et al., 1982); justice frames (Ryan, 1991), oppositional frames (Blum-Kulka and Liebes, 1993; Coy and Woehrle, 1996), hegemonic frames (Blum-Kulka and Liebes, 1993), equal opportunity frames, and rights frames (Williams and Williams, 1995) could prove useful (as cited in Benford, 1997).

The third criticism is that movement scholars have been more inclined towards frames as static 'things' rather than framing or the 'dynamic processes associated with their social construction, negotiation, contestation, and transformation' (Benford 1997, p.416). To avoid static tendencies, Benford (1997) argued that researchers need to cover various analytic levels in their studies and focus on multi-organizational fields in which collective action occurs (e.g. macro-, meso-, and micro-mobilization processes) to expand temporal and spatial focus of movement studies; and study carefully the negotiation and conflict processes endemic to development of collective action frames.

The fourth criticism by Benford (1997) is the problem of reification – i.e. the ′process of talking about socially constructed ideas as though they are *real...*and independent of collective interpretations and constructions of the actors involved' (p.418) which leads to additional theoretical and empirical problems of the tendency to anthropomorphize these notions while neglecting human agency. The other critiques are reductionism ('tendency to reduce collective action and interaction to individual level explanations, to psychologize what is sociological' – Benford 1997, p.420); elite bias (focusing on framings of movement

elites by neglecting other participants, potential recruits, and bystanders by failing to understand that there is a dialectical relation between framing efforts and mobilization); and monolithic tendencies (that ignore the multi-layered complexities of frames and framing activities).

This thesis takes up Snow and Benford's (2000) concept of framing processes - instead of frames - to illustrate the processes by which collective identities as well as movement agendas have been framed and under what contexts. As Benford (1997) suggests, this study relies on multiple levels of analysis from local, national, regional to global in order to understand the conflicts within processes of collective mobilisation. In the context of the LGBTI+ movement in Nepal, these framing processes have been carried out by NGOs that act as social movement organisations. This latter concept is discussed in the next section.

2.2.4 Social Movement Organisations

Theorisation on social movement organisation (SMO) is central to the RMT approach defined above. An SMO can be defined as 'any civil society organisation that aligns its goals with the preferences of a social movement or countermovement and attempts to implement those goals (McCarthy and Zald 1977, p.1218, as cited in Caniglia and Carmin 2005, p. 202). It is defined as having a structure as a means for organising actions and for managing everyday administrative tasks; has goals and strategies to achieve these goals; and has shared understandings, values and beliefs (Gamson 1996, Jasper 1997, as cited in Caniglia and Carmin 2005, p.202).

SMOs can be distinguished into two - formalised SMOs with routinized tasks, a clear division of labour, hierarchical decision-making processes, and codified membership criteria; and informal SMOs managed by volunteers, with few procedures or policies, no routinized decision structures, influenced by individual leaders, marked by autonomous chapters and flexibility over changing demands (Staggenborg 1988, as cited in Caniglia and Carmin 2005, p.202). The degree of formality adopted can either facilitate or hinder goal attainment, resource acquisition, legitimacy and mobilisation capacity. Bureaucratic or formal SMOs are more able to gain access to established political channels, sustain ongoing interactions with diverse constituencies, and facilitate rapid mobilisation due to its centralised decision-making unit and clear hierarchy. On the other hand, informal SMOs are often able to mobilise more quickly and be flexible in terms of adaptation than formalised

SMOs. They are also more able to engage in disruptive action due to few barriers. Andrews and Edwards (2005) surmise that tactics are important SMO characteristics and those employing disruptive tactics tend to be similarly structured than those who do not employ such tactics. Formal SMOs are more likely to lobby the state, monitor policy, and participate in partisan political activities. The recurring theme in SMO research revolves around how they develop over time from being relatively informal, goal-oriented to being increasingly formal and bureaucratic for the purpose of survival, with power becoming highly centralised. The challenge for SMOs lies in finding a balance between formal organisation and autonomy (Tarrow 1998, as cited in Caniglia and Carmin 2005).

Caniglia and Carmin (2005) further provide an overview of SMOs within each of the three major schools of social movement theory - resource mobilization, political process, and cultural-cognitive approaches. They propose that RMT contributes to studies on SMOs in three critical areas through – i) studies examining the ways SMOs coordinate and mobilise and the contributions they make to movement stability; ii) studies that reveal how resources are related to SMO strategy and how these can facilitate as well as impede organisational mobilisation; and iii) research examining SMO structures which go beyond studies on degrees of professionalization or whether organisations are developing along a particular trajectory – like those studying relationship between structure and internal SMO dynamics, persistence of particular organisational forms, or descriptions of populations of SMOs.

Similarly, PPT theorists view SMOs as important resources for social movements ‘by serving as springboards for mobilisation, incubators of talent, and collectors and disseminators of critical information’ (Caniglia and Carmin 2005, p.204). However, the PPT approach differs from the RMT approach by also focusing on socio-political contexts as well as the relationship between SMOs and their institutional environments. Though PPT takes SMOs as building blocks for movements, they don’t investigate individual SMO features but instead use them to examine ‘how cycles of organisational protest reflect responsiveness to external conditions’ (Meyer 1993, as cited in Caniglia and Carmin 2005, p. 204). This approach rather takes organisational fields and networks as units of analysis with the dominant perspective being that external factors explain the configuration of SMO fields, and that networks help forge links between individuals and between organisations, promote coordination, facilitate protest, and communicate ideas and information.

In this way, the PPT approach contributes to SMO research in two critical ways. Firstly, this approach has highlighted the relationship between SMOs and their external environment by

examining how SMOs respond to changes in their external environment in different contexts, and hence recognised them as strategic actors. Research in this field has demonstrated that 'frames and opportunities are intertwined (Diani, 1996; Gamson and Meyer, 1996; Oberschall, 1996; Zdravomyslova, 1996) and that the tactics selected by SMOs reflect beliefs and interpretations of the institutional environment (Carmin and Balser, 2002; Polletta, 2002)' (as cited in Caniglia and Carmin 2005, p.204). Secondly, this approach points at the existence and impact of relations among organisations as networks as well as coalitions that help define how SMOs serve as channels for collective action within their particular national contexts, while also traversing national boundaries. Networks and coalitions, as Caniglia and Carmin (2005) argue, provide important insights into the political, social and cultural contexts that enable and constrain SMOs.

Finally, the constructivist turn in SMO studies provided insights into the concepts of framing and collective identity. These cultural-cognitive theories on social movements were premised on the belief that movements arise and work within social and cultural contexts ripe with meaning wherein personal beliefs and identity affiliation rather than social class often determine participation of individuals. SMO structures and practises, then, were not just influenced by cultural factors but also by cognitive attributes (collectively held values, beliefs and ideas) and normative attributes (conventional wisdom and shared views) (Caniglia and Carmin 2005).

Staggenborg (1998) builds on the concept of SMO to talk about a 'social movement community' to emphasise that the culture and community of a protest cycle, rather than political opportunities, facilitate mobilisation and provide organisational and tactical opportunities to new movements. She gives the example of a women's movement community in the US to show how it endured and even thrived after the decline of a protest cycle, because of a movement community that sustained activists, and that had the potential to recreate protest cycles.

Goodwin and Jasper (2015) highlight the 'collective, organized, sustained, and non-institutional challenge' that social movements pose to authorities, powerholders, or cultural beliefs and practices. The LGBTI+ groups in Nepal as mentioned in the Introduction could be seen as interest groups in that they are formalised, institutionalised collective actors demanding policy change, sometimes utilising formal channels of communication or lobbying, and with varying levels of access to power centres (Csíař, 2013). However, taking the distinctions between interest groups and SMOs as proposed by Císař, it would again be

difficult to categorise these groups. Unlike interest groups, some of these organisations claim a particular constituency and engage with them either directly or indirectly, and are embedded in inter-organisational networks of cooperation, information exchange, resource borrowing and overlapping interest.

As Meyer and Tarrow (1998, as cited in Císař 2013) point out, the distinction between the SMOs and interest groups has largely evaporated during the last decades of the 20th century, with the exception of radical SMOs who do not strive for inclusion in conventional political processes (as cited in Císař 2013, p.618). For instance, BDS acts as both an interest group lobbying for policy change, as well as an SMO in direct contact with its constituencies. However, it would be difficult to classify any one of them as radical SMOs which 'refuse to develop a stable organisational structure, mobilise substantial financial resources, and be included in political process' in order to gain acceptance.

Additionally, there are conceptual differences between an SMO and an NGO, even though they might embody common aspects like being grassroots organisations, acting autonomously from the state, and pursuing similar goals (Demirovic, 1998). NGOs have, in fact, been loosely defined as SMOs. In Nepal's context, as Ismail (2013) points out, NGOs are simplistically and problematically equated with civil society. These NGOs are not a homogenous category but range from 'traditional development organisations…to newer, relatively radical social action networks' (p.43). Nepali NGOs, then, can simultaneously act as advocacy organisations just like SMOs, and as operational or service-delivery organisations for donors. LGBTI+ organisations in resource poor contexts also adopt such a dual role for the purpose of activism as well as sustenance of such activism in the face of domestic opposition. In resource poor contexts throughout the global South, NGOs have played important roles within social justice movements (Alvarez 2014). Therefore, I use the conceptualisation of NGOs as social movement organisations that also act as service-delivery organisations but maintain the term 'NGO' to retain the focus on donor-recipient relationship as they play out in Nepal. All the three LGBTI+ organisations in this study will be referred to as NGOs. Community-based organisations (CBOs), on the other hand, refer to smaller organisations affiliated with any of these organisations. It is only BDS that had CBOs affiliated with it at the time of my study.

2.3 A conceptual framework for analysing resources

Following the preceding literature review, this section sets out the conceptual framework to be adopted in this study's methodology and analysis, including the definitions of categories of resources to be deployed. Drawing from the theorisations above, the LGBTI movement in Nepal must be contextualised within the political opportunity structures (Kitschelt, 1986) provided by Nepal's transition from a Hindu monarchy to a federal democratic republic, as a result of a decade long violent Maoist insurgency between 1996 and 2006. To restate Kitchelt's definition, political opportunity structures are 'specific configurations of resources, institutional arrangements and historical precedents for social mobilization, which facilitate the development of protest movements in some instances and constrain them in others' (Kitschelt 1986, p.58). Drawing from this conceptualisation, the emergence of the LGBTI+ movement in Nepal can firstly be located within the increasing focus on foreign development aid since the 1950s as forming the type of resource configuration specific to low-income countries post-decolonisation. Secondly, it is situated within the context of a democratic transition in Nepal that started in 1990 and the legal and political precedents set by the women's and ethnic minority movements, and the subsequent ousting of the Hindu monarchy in 2008 through a 'people's movement'.

The resources that are of most significance to LGBTI+ NGOs in this study are their professional networks with allies (i.e. other activists, international donors, government bodies, and civil society organisations), and the financial, technical, and moral resources (Edwards and McCarthy, 2004) that come with these alliances. The ways in which these resources have been operationalised in the context of this study is as follows:

a. Social networks 'are characterised by relationships between individuals and representatives of institutions which often act as forums for social exchange but also opportunities for collaboration and exchange of resources (Earl 2004, as cited in Drew et al., 2011, p.1063). Social networks at the individual and organizational levels facilitate access to other resources. In this sense, the networks themselves work as important resources for organisations.
b. Financial resources are monetary in nature, usually provided via grants for projects, programmes or events. These might cover overhead costs for the organisation either partly or fully, including the salaries of staff members hired for the specific project

or programme. Financial resources have been central to social movement analysis from the approach of resource mobilisation theories (RMT).

c. Technical resources in the context of the LGBTI+ NGOs are provided by allies in the form of expertise and training on building organizational and professional capacities.

d. Moral resources comprise of integrity, legitimacy, solidarity support, sympathetic support (Edwards and McCarthy, 2004, p.125). Moral resources originate outside of a social movement and are bestowed by external sources known to possess them, like celebrities, renowned activists or socially legitimated institutions (Edwards and Gillham, 2013, p.3). As a result, moral resources are difficult to access and are proprietary in nature, and can be easily retracted by whoever possesses them.

The sources of resources and networks in the context of this study can be categorised into two broad pools - HIV/AIDS-related and human rights-related. General human rights and health are also the two most funded issues within LGBTI activism in the year 2015-16 in the Asia and the Pacific, receiving 48% and 28% respectively from a total of US $22.5 million grant money awarded by 53 foundations, corporations, intermediaries, government donors and multilateral agencies (Global Resources Report, 2018, p.33). Within funding for health and well-being, HIV/AIDS accounted for almost all of the funding in the entire region. However, issues focused on community building and families received considerably less funding (6%), followed by programmes and projects addressing economic issues (4%)[1]and issues confronting violence against LGBTI people (2%). As discussed in Chapter 5 and Chapter 6, resource pools for the Blue Diamond Society (BDS) – the first and largest LGBTI NGO in Nepal - reflects a very similar pattern. However, contrary to regional but also global trends in LGBTI funding as shown by the Global Resources Report (2016), BDS has had to rely solely on HIV/AIDS funding to run the organisation between 2001 and 2007, after which it started receiving some funding for rights-based work.

According to the Global Resources Report (2018), with a total recorded ‘LGBTI’ funding of US $588,652 in 2015-16, Nepal is among the top 10 recipient countries in Asia and the Pacific coming only second in South Asia followed by India (receiving US $3,654,830). This is a notable figure when the geographic and population sizes of the two countries are taken into account. It is even more telling when most of the funding recorded for Nepal is received by one organisation and the CBOs associated with it, more so when the amount is likely to be underestimated given the figures discussed in Chapters 5 and 6.

2.3.1 Methodological bias in existing studies on the LGBTI+ issues in Nepal

BDS seems to largely operate under the health (mainly HIV/AIDS) and (selective) human rights paradigm while Mitini Nepal seems to largely work under the framework of women's rights. Similarly, research studies conducted on LGBT issues in Nepal also mirror these frameworks. Most studies have been largely conducted on the sexual practises and risks of HIV/AIDS among *metis* and men-who-have-sex-with-men (e.g. Boyce and Pant, 2001; Tamang, 2003; Wilson and Pant, 2010; Wilson et al., 2011; Boyce and Coyle, 2013; Sunar et al., 2013; UNDP and Williams Institute, 2014; Frisbie et al., 2014; Coyle and Boyce, 2015; Greene, 2015). These studies are almost exclusively conducted in alliance with BDS even though the reports claim to be representative of broader categories of 'sexual and gender minorities', 'LGBT people' or 'same-sex sexualities'. There has been only one study exclusively focused on the LBT group by Pathak et al (2010), which is again from health professionals analysing the challenges this group faces in accessing social and health care services. A report by CREA (2012) does a more detailed job of analysing the situation of discrimination and violence faced by lesbian women in Nepal along with other groups of marginalised women in Nepal, while two other reports on women's human rights defenders by WOREC (2012) and AWID (2012) only cursorily mention the risks of living and working as lesbians and lesbian activists. The paucity of studies on LBT people is proportional to the degree of attention they receive from donor organisations or women's rights organisations.

In contrast, most studies on LGBT issues in Nepal have focused on sexual practices and prevalence of HIV/AIDS among *metis* and MSMs or mostly take into account experiences of those assigned male at birth or those who identify as the 'third gender', even while claiming to be representative of broader categories of 'sexual and gender minorities', 'LGBT people' or 'samesex sexualities' (see Wilson and Pant, 2010; Wilson et al., 2011; Boyce and Coyle, 2013; Sunar et al., 2013; UNDP and Williams Institute, 2014; Frisbie et al., 2014; Coyle and Boyce, 2015; Greene, 2015). Foreign researchers are further delimited by a language barrier which has led to a lack of engagement with the overwhelmingly Nepali speaking lesbian activist organisations like Mitini Nepal or Inclusive Forum Nepal, but also the BDS-affliliated CBOs outside of the headoffice in Kathmandu. These organisations also have minimal online presence making them further invisible to researchers, activist networks and donors outside Nepal.

For researchers and activists (including those who act as allies or donors) who do not spend an extended period in Nepal or who have never visited Nepal, this exclusion also involves the lack of engagement with male-bodied, variously self-identifying or non-self-identifying individuals who do not or will not associate themselves with mainstream LGBTI+ NGOs. All the researchers and activists mentioned above – as well as the national research team tasked with studying same-sex marriage provisions in Nepal – have approached BDS as their main and only source of respondents, which then already circumscribes their subjects or objects of inquiry.

Schubotz's (2016) study, while acknowledging the concentration of resources and capital on BDS, does not problematise this at any point by exploring what it might mean for intra-movement dynamics which creates hierarchies between those invested in the movement. In addition, what also remains to be desired in his paper as well as the critical works on the fluidity of subjectivities and identities in Nepal (Boyce and Coyle, 2013; Coyle and Boyce, 2015) is a critical analysis of the role of transnational solidarity networks that are mobilised in these processes; as well as the impact of personal, professional and political subjectivities, priorities and expertise of 'outsider' allies who have often been cisgender, male, and White. This is of significance if we are to inquire into how agendas are shaped by BDS as collective and representative of all LGBTI+ people in the country. These subsequently become the topics of inquiry by foreign researchers, activists or aid workers at the expense of agendas that other groups might have. For example, LBT organisations have received relatively little attention from donors but also from international LGBT advocacy networks (like ARC International, ILGA-Asia, IGLHRC or the Human Rights Campaign) or human rights NGOs with a strong LGBT focus (like Human Rights Watch or Amnesty International). In a report on Queering Health Education, Huston (2014) points out that the global focus on HIV/AIDS has rendered those queer populations not at risk for the virus invisible to donors, while also obscuring non-HIV related health issues like unprescribed hormone consumption among trans individuals. Huston adds that LBT groups are also often invisible and not targets of queer health education programmes even though they might be highly vulnerable to STIs and other health issues like depression. Apart from being excluded from LGBTI+ rights resources and discourses, LBT organisations like Mitini Nepal and Inclusive Forum Nepal also continue to be marginalised from the mainstream women's movement in the country.

2.3.1 Going beyond critiques of NGOisation of social movements

Central to the processes of resource mobilisation and movement formation, especially in postcolonial contexts in what has been called the 'NGO form' (Bernal and Grewal, 2014), are social movements embedded within an NGO structure funded by external donors amidst lack of domestic state and non-state support for the issues these NGOs advocate for. Victoria Bernal and Inderpal Grewal, in their edited book on *Theorising NGOs: States, Feminisms, and Neoliberalism*, write that NGOs were significant for women's organising outside official institutions, especially in the run up to the World Conference on Women in Beijing in 1995 (Bernal and Grewal, 2014a). NGOs then provided a useful platform for feminists to come together for advocacy outside official and governmental delegations that had so far excluded them. But by the end of the twentieth century, the 'NGO form' had replaced feminist activism with advocacy and action in feminist and women's NGOs running donor funded projects and programmes on 'gender issues and women's welfare'. Sabine Lang describes this process as the 'NGOisation of feminism' (Lang 1997, as cited in ibid, 1).

NGOization has erroneously been defined as a 'steady increase in the number of women's NGOs as a dominant trend in feminist organising' (Jad, 2007). But as the political scientist Sonia Alvarez who popularised the term 'NGOisation' in the context of Latin American feminist movements explains in a paper in 2009, the term was not intended as a synonym or shorthand for 'an increase in the numbers of more formally structured feminist organisations with paid, professional staff and funding from government, multilateral and bilateral agencies, and foreign donors. Rather, NGOisation…entailed national and global neoliberalism's active promotion and official sanctioning of particular organisational forms and practices among feminist organisations and other sectors of civil society.' (Alvarez, 2014, p.287). Alvarez defines neoliberal forces as those promoting 'structural adjustment policies (that promote free markets) while cutting back state expenditures and social programs'. This withdrawal of the welfare state, as she states, led to marginalised groups increasingly turning towards NGOs for welfare and development needs. Alvarez goes on to emphasise that governments as well as donors themselves often encourage NGOs to take up the roles that have been abandoned by the state.

By the late 1990s, NGOization had resulted from the confluence of three trends that Alvarez identifies:

> i) first, feminist NGOs were increasingly treated by governments and international organisations as gender experts rather than as citizens' groups, thus reducing them to technical groups rather than political;
> ii) second, NGOs were increasingly taken as surrogates for civil society, with feminist NGOs selectively being consulted for gender policy work as 'intermediaries' to larger societal constituencies, which meant those outside the NGOs and those critical of the government or international organisations were effectively excluded from gender policy debates and politically silenced; and
> iii) finally, as feminist NGOs were increasingly subcontracted to carry out women's programmes, their ability to 'critically monitor policy and advocate for more thoroughgoing feminist reform was sometimes jeopardised
> (Alvarez 1999: 183, as cited in Alvarez 2014, p.288)

As such, NGOization has been understood as harmful for feminism because of 'depoliticisation' through the privileging of donor agendas and a 'neoliberal cooptation' of feminist practises (Hodžić, 2014, p.222). However, Alvarez (2014) goes back to her own earlier critiques of the feminist NGO boom (Alvarez 1998, 1999) and points out that scholarly and activist critiques of NGOisation often overlook the crucial ‘movement work’ that NGOs continue to carry out. She elaborates that NGOs often become ‘important producers of feminist knowledge' through their numerous reports, educational materials and advocacy materials; and act as 'disseminators of feminist discourses' through distribution of these materials as well as through training events or discussions targeted not only at legislators, government bureaucrats and other public officials but also 'self-consciously directed at "the movement”’ (Alvarez, 2014, pp.288–289). In this way, NGOs 'mainstream' feminist discourses by 'trickling up, down and sideways' (Macaulay 2010, as cited in ibid). Alvarez emphasises that feminist NGOs have not entirely given up on feminist practices and discourses and that there is a need to recognise that feminism itself is changing its form through a mix of internal and external forces (Alvarez, 2014, p.299).

Hodžić (2014) builds on this argument by pointing out that critiques of NGOisation "hinge on a valorisation of earlier women's movements, producing a nostalgic and Eurocentric revision of feminist history and resuscitating an uncritically humanist vision of feminist organising" (p.222). Hodžić explains that such valorisation ‘entails active acts of forgetting…invoking essentialised notions of wholesome, egalitarian, and politically unified collectives. In doing so, the critics obliterate feminist crises and the inherent divisions, inequalities, and blind spots of past women’s movements, such as their reliance on women

as stable subjects with shared experiences of patriarchy' (p.228). Hodžić goes further to emphasise that the anti-institutional element of earlier feminist organising is largely limited to feminists based in the United States and Western Europe, and that non-collaboration with the state is not a universally privileged form of feminism outside the global North (Hodžić, 2014, pp.226–227). Feminists across Africa, conversely, are organised in various kinds of formal institutions instead of being loosely organised, and might find it more useful to engage with the state in getting things done rather than standing in opposition to it. Hodžić (2014) takes the example of Ghanaian feminist NGOs to show how they helped create new spheres of political activism for northern women's rights organisations which traditionally remained excluded from mainstream feminist organising. Hodžić explains that the Ghanaian women's movement began with the establishment of an organisation in 1982 by the military government to provide the state a 'gender-progressive' hue and a 'grand feminist illusion' (Prah 2003: 7, as cited in Hodžić 2014, p.233).

Women's 'grassroots' organising, however, have existed in post-colonial societies across the global South prior to the establishment of or alongside feminist NGOs, and such organising might often act in opposition to the state as evidenced by examples of the Chipko forest conservation movement in India in 1973, or the non-violent Save Narmada Movement against government-planned and World Bank-backed large dams being built across the Narmada River in India. And yet, in the latter movement, several NGOs and human rights activists were also involved.

In Nepal, Tamang (2010) writes that the first women's organisations – starting from the establishment of the *Mahila Samiti* or Women's Committee in 1917 and until the first democratic revolution in 1951- were not just social organisations but also political organisations that 'prioritised the political goal of the overthrow of the Rana regime as the only way in which to gain women's progress (Thapa 1985, pp 103-4)' (*ibid*). However, as Tamang argues, the subsequent Panchayat regime led by the Hindu monarchy and the model of Women in Development it introduced through donor agencies in the 1970s served to legitimise the monarchy while de-legitimating the more political concerns of some of the radical women's organisations which were shut down during this time. The Panchayat government's women-focused programmes then were backed by international donors and executed by less radical, more conformist and more professionalized women's NGOs. Despite this history, women's NGOs in Nepal have been at the forefront of instituting legal and social change, carrying out crucial feminist work – sometimes capitulating to state

patriarchy (Tamang, 2000) and donor priorities (Tamang, 2009b) while at other times defying them.

The 'NGO form' has also been significant for LGBT movements across the global South, although scholarship on the subject have mostly been cautious of this relationship. Arguing against an imposition of Western sexual epistemology through the use of gay and lesbian identities, Massad (2002) positions what he sees as a small minority of Arab and Muslim gay and lesbian activists as Westernised and as part of what he calls 'the Gay International'. Seckinelgin (2012) similarly critiques the 'shepherd/speaker' role that global civil society assumes when LGBT activists and organisations in the global North speak on behalf of queers in the global South. In a later work focused on the politics of what he calls the 'Global AIDS', Seckinelgin (2017) argues that activism on HIV has been reduced to institutions in the global North delivering technical expertise and services to the global South with local NGOs acting as intermediaries. This, he argues, is done without taking the contextual structural inequalities into account where general terms like 'lack of human rights' and 'homophobia' might be used "without paying close attention to what they mean, and how they manifest themselves in particular contexts influencing everyday lives" (Seckinelgin, 2017: 98).

Although these are important considerations, the focus on 'global' institutions alone is insufficient to account for the agency of 'local' activists within the politics of 'global' solidarity. Rao (2015a) and Dave (2012) have highlighted how local activists themselves capitalise on such international networks with varying consequences. In a critical survey of initiatives against homophobia as carried out by international financial institutions like the World Bank and the International Monetary Fund, Rao (2015) argues that Western homonormativity is 'enthusiastically embraced' by local elite queer activists even while the former's policies position homophobia as merely cultural and 'obscure the material conditions that incubate homophobic moral panics, and their own culpability in co-producing these conditions' (p.38). However, in resource-poor contexts where there is little domestic moral and financial support for sexual rights activism, the embracing of international aid for LGBTI activism by local activists cannot merely be reduced to an uncritical acceptance of Western homonormativity.

In Nepal, a complex web of closed transnational resources and networks have provided space for an LGBTI movement to emerge where none existed before, as will be shown in this thesis. The establishment of HIV/AIDS service provision organisations like the Naz

Foundation International (NFI) in India and its subsequent support of other HIV/AIDS intervention organisations working for MSMs in Nepal, Bangladesh and Pakistan led to the mobilisation and inclusion of new or large groups of people (like MSMs and *metis* in Nepal as discussed in Chapter 4) so far marginalised from existing queer movements (as in the case of *hijras* and *kothis* in India, as discussed by Kole, 2007). Similarly in Kenya, Dearham (2013, as cited in Currier and McKay, 2017) talks about how NGOisation of the LGBTI movement in the country provided the space for queer women to form organisations in response to their under-representation in the movement. However, as Moreau and Currier (2018) caution in case of 'professionalisation' of LGBT organisations in Malawi and South Africa, these NGOs are often caught in a 'queer dilemma'. Moreau and Currier (2018) - take the case of NGOization or 'professionalisation' of LGBT organisations in Malawi and South Africa who face a 'queer dilemma' due to Northern funding that these organisations accept. The dilemma is described as a paradox in which LGBT organisations are trapped - i.e. between the perception that LGBT activism in Africa is influenced by donors from the West, and lack of support for LGBT rights from the state as well as the lack of solidarity with LGBT activism from other local social movements. Despite these constraints, LGBT NGOs continue to work within the confines of donor requirements and the demands of the constituencies they say they represent, sometimes deploying a 'hybrid strategy' (Currier and McKay 2017) integrating a public-health approach where a lot of donor funding is directed, and a social-justice approach encompassing LGBTI rights where comparatively less of the funding is directed.

Similarly, Kole (2007) identifies the 'twin processes' of globalisation and the AIDS epidemic which have significantly fostered queer mobilisation in India. Cohen (2005) has argued that these processes have led to the emergence of distinctive identity categories like *kothi* within NGO mobilisation around the epidemic. Countering this, Dutta (2012) instead argues that it is the urban-based NGOs who have relied on 'non-metropolitan subcultures' of 'lower-class gender variant males' for their work. In a later work, Dutta and Roy (2014) argue that NGOs working on HIV/AIDS have instead brought together already existent but diverse indigenous categories instead of forming new ones as Cohen (2005) claimed.

While these are important considerations, it can be safely argued that the AIDS epidemic and resultant NGO intervention work have provided previously unprecedented space for sexual rights activism, at least for those considered the risk groups for the disease. And yet, it is also important to bear in mind Seckinelgin's (2009) note of caution on how both HIV/AIDS activism as well as LGBTI activism open up some spaces while also close down

possibilities for some when particular kind of identification with categorical positions are required for access to these spaces.

Chapter 3: Research Design

3.1 Introduction

This chapter discusses the research design used to address the main research problem of how activism and identities around sexual orientation and gender identity in Nepal have been shaped by transnational resources and global LGBTI+ identities. This is answered by the three sub-questions on how individual LGBTI+ identifications in Nepal relate to NGO activism and resources available for such activism; how resources from HIV/AIDS-based networks have helped in the emergence of the LGBTI+ movement in Nepal and the consolidation of collective organisational identities; and finally, how resources from human-rights based networks have advanced or constrained the work of LGBTI+ NGOs while simultaneously influenced their use of collective identity categories.

Drawing from the gaps in literature as identified in Chapter 2, this study takes a multi-institutional politics approach (Armstrong and Bernstein, 2008) which views domination as organised around multiple sources of power - as opposed to only one source of power assumed by the political process model. These sources of power, according to Armstrong and Bernstein (2008), are both material and symbolic. The authors argue that a multi-institutional politics approach is suited to answering research questions around why social movements or collective action take the form that they do; what the interaction between the movement that makes the claims and the ones upon whom those claims are made says about the nature of domination in society; and under what conditions social movement actors emerge, survive and succeed (Armstrong and Bernstein 2008, p.76). Given the political economy of activism in a 'non-postcolonial' Nepal (Des Chene, 2007) embedded within the global politics of foreign aid, this approach is suitable for examining the case study proposed.

This study operates from the ontological position of constructionism which asserts that 'social phenomena are not only produced through social interaction but are in a constant state of revision' (Bryman, 2017, p.29). This means that the researcher as much as any participant in the research, always present specific versions of social reality that are a result of their interactions with the world around them and are ever-changing. Epistemologically, this study takes a symbolic interactionist approach where the focus is on the 'process of interpretation through which [actors] construct their actions' and their notion of self (Blumer 1962: 188, as cited in Bryman, 2016, p.27). This approach emphasises that social actors are not simply constrained by external realities - like culture or funding patterns in case of

feminist or queer movements – but rather engage in a continuous process of forming these realities while at the same time taking these social constructs as their points of reference. This approach is well suited for this study on the interaction between resources, identities and networks of LGBTI+ organisations in Nepal. Methodologically, this will be a representative or exemplifying case study (Yin Robert, 1994) of not just an emerging queer movement in the Global South drawing inspiration from the Global North but also a typifying case of how the two worlds are constitutive of each other. As described in Bhattacharjee (2012), case study research is

> 'an in-depth investigation of a problem in one or more real-life settings (case sites) over an extended period of time. Data may be collected using a combination of interviews, personal observations, and internal or external documents...The strength of this research method is its ability to discover a wide variety of social, cultural, and political factors potentially related to the phenomenon of interest that may not be known in advance...However, interpretation of findings may depend on the observational and integrative ability of the researcher...and findings from a single case site may not be readily generalized to other case sites. Generalizability can be improved by replicating and comparing the analysis in other case sites in a multiple case design.'

This research focuses on the case study of the LGBTI+ movement in Nepal as driven by the three most prominent LGBTI+ non-governmental organisations (NGOs) in the country - the Blue Diamond Society (BDS), Mitini Nepal and Inclusive Forum Nepal (IFN).

The rest of the chapter is organised into methods of data collection and negotiating access; the research process describing two phases in which the fieldwork was carried out; reflexivity and positionality, ethical considerations in the study and data analysis.

3.2 Methods of data collection and negotiating access

This qualitative study is based on extensive interviews with LGBTI+ activists in Nepal, and their national and transnational allies and donors, as well as a documentary analysis of organisational and donor reports, as well as media reports. This multiple approach to data collection helped in verification and substantiation of claims made during personal interviews whenever possible. The interviews were semi-structured and focused on certain themes as shown by the different guiding documents presented in the Annex. Interviews were an hour long in average. Most of them were recorded with the help of two recorders after asking for consent from each participant to do so. The purpose of the study was

explained at the beginning of each interview, and I made it clear to participants that I was not representing any specific organisation and that I would be speaking to activists from all three organisations. This was done in order to avoid any misunderstandings later on, and to emphasise my position as a neutral researcher. In addition to conducting interviews, I also attended events organised or attended by the LGBTI+ activists where I could do more of the participant observations I had originally planned.

I used a purposive sampling method when choosing the organisations and their heads for this study due to their prominence within the movement, and their knowledge about the overall movement. Subsequently, a snowball sampling technique was deployed to reach out to more activists. Interviews were mainly conducted in the relevant organisation's office premises, though many were also conducted in cafes/restaurants. There were stark differences in the kinds of places I found myself conducting interviews from some of the most expensive commercial spaces to shared offices. While care was taken that participants were given privacy when using shared spaces, it was sometimes difficult to avoid the supervisor interrupting occasionally with his own interjections. This was especially the case in a joint interview with two *natuwas* outside Kathmandu. This might have had an effect on what the *natuwas* conveyed during the interview. However, the supervisor's presence was also beneficial in other ways since he translated and simplified my questions to the *natuwas*, which upon reflection provided for a richer exchange. Besides collecting data through interviews, I also conducted one focus group discussion and attended different events and workshops. Much insight was also gained from informal interactions with activists.

I negotiated access with BDS through a friend's friend – both expats working in Nepal at some point - who introduced me to a key gatekeeper within BDS. This allowed me subsequent access to leaders and activists within the organisation. The friend's friend also put me in touch with a lesbian activist within BDS, which helped me further access other LBT activists within the organisation. Similarly, for Mitini Nepal, I asked an acquaintance to introduce me to the organisation. As will be noted in the section on Reflexivity and Positionality, my insider-outsider status worked to my advantage in some contexts and not in others.

3.3 Research process

This section describes the research process for this study, including the research methods used for data collection, description of participants and their recruitment into the study, ethical considerations for the study and the process of data analysis. The on-site fieldwork for this study was carried out in two phases between October 2016 and September 2017. The first phase of fieldwork between October 2016 and December 2016 was a pilot study while the second phase lasted between June and September 2017. 'On-site' fieldwork was carried out in Nepal, mainly in Kathmandu because all the three LGBTI+ NGOs had their offices in the capital. However, two districts outside Kathmandu were also visited in order to gain insights from activists outside the capital. These districts will remain anonymous to protect the identities of the activists, especially in a context where activist circles are closely-knit, and also where there might be such a limited number of activists in one sub-group, like lesbians, that the individual would be easily identifiable if the home district is named. Other interviews with allies and activists located outside Nepal were conducted in the UK, India and Thailand. The last interview was conducted with a donor representative in August 2019.

Drawing from Mario Diani's (1992) definition of a social movement as comprising of a network between a plurality of individuals, groups and/or organisations that engage in a political conflict on the basis of a shared collective identity (p.13), the study began with mapping out all the actors who explicitly associated themselves with the Nepali LGBTI+ movement. Before on-site fieldwork began, using the scarce information available online, it was difficult getting a sense of how many organisations there were and how they were related to each other. Upon reflection, it was especially confusing because of the almost 50 community based organisations affiliated under BDS which were registered as separate NGOs with little clue as to how they were all connected. Little information could be gleaned on the Federation of Sexual and Gender Minorities Nepal (FSGMN) which advertised itself as a Federation for all organisations working on sexual and gender minorities. Additionally, Mitini Nepal did not have an organisational website and instead had a Facebook page while IFN had a basic website with little information on the organisation and its activities. IFN, in its basic website then, had also advertised itself as a federation. It was then assumed that there were two federations - one founded by Sunil Babu Pant and one run by IFN for LBT (lesbians, bisexual women and transgender men). This was later confirmed as misleading. While IFN is not a federation in any sense since it does not have any other member organisations, FSGMN also turned out to be a federation only for BDS-affiliated CBOs as will be discussed in Chapter 5.

The other entities identified before the pilot study were the Nepal Sexual and Gender Minorities Student Forum, the independent queer feminist collective founded in 2015 called Gender and Sexuality Platform (GASP), and four network of allies - the South Asian Human Rights Association of Marginalised Sexualities and Gender (SAHRA), the International Gay and Lesbian Human Rights Commission (IGLHRC), the Human Rights Watch and Amnesty International. However, no information could be found on who to contact within each of these organisations. Therefore, the best way to understand what appeared to be a confusing field of work was to start with a pilot study. Since so little was known about the Nepali LGBTI+ NGOs, I started with what I knew about the movement so far, and the people I knew within it. This process of negotiating access will be discussed in a separate section below.

The most well-publicised milestone for the Nepali movement was the 2007 Supreme Court case that provided legal recognition for the third gender category. It then made sense to start from exploring this case as a mini case study. At first, the four petitioners who field the Supreme Court petition in 2007 were identified. They were BDS, Mitini Nepal, Cruise AIDS and Pahichan Nepal. An investigation into their respective roles in filing this petition was believed to provide a historical review of the case, shedding light on the processes of negotiations that was assumed to have taken place in the selection of this category for the petition. A study of organisational reports and data obtained from key informant interviews with those closely involved with drafting and filing the petition would have provided the required insights into these processes.

Due to the complex network structures within which the organisations and activists were located, much of the first field visit was spent on making sense of these network structures and in identifying different groups of activists who were the central actors within the movement. My final research questions focused on resources and networks and their role in the consolidation of collective identities were drawn after this visit. Due to this, the analyses in two of the empirical chapters focused on resources - Chapter 5 and Chapter 6 - have mostly utilised quotes from those in leadership positions within the three organisations who were able to provide information on these topics. Information on resources as obtained from interviews have been verified and supplemented by documentary evidence whenever possible. However, data from interviews with other activists who did not occupy leadership positions have also been utilised in discussions on identities throughout all empirical chapters. Interviews with these non-elite activists have also informed the overall focus of the study, including the decision to bring in the two LBT organisations so far excluded from

scholarship on LGBT activism and identities in Nepal, and the decision to conduct fieldwork outside the capital city, Kathmandu.

3.3.1 First phase of fieldwork and data collection

As mentioned above, the first phase of fieldwork between October 2016 and December 2016 was a pilot study. It was aimed at understanding the processes by which the Supreme Court petition filed in 2007 was drawn, particularly focused on finding out what kind of negotiations took place during the study, who were solicited for advice, who led the process and how the final decisions were made. Finally, it also aimed at understanding why a legal route was adopted in 2007 and what the different groups thought about it now. These questions were informed by Dave's (2012) extensive ethnographic work on queer activism in India from the perspective of lesbian activists who had felt left out of the process of filing the various petitions against Section 377.

Organisations which filed the petition for the legal recognition of the third gender at the Supreme Court of Nepal in 2007 were purposively selected for this case study. Key informant interviews were planned for Sunil Babu Pant (chair of BDS during the filing of the petition), Meena Nepali (then vice-chair of Mitini Nepal), Sanjeev Gurung (then chair of Cruise AIDS Nepal), Manoranjan Kumar Vaidya (then Executive Director of Parichaya Nepal) and Hari Phuyal (attorney who represented the petitioners).

Snowball sampling was used to identify other activists and allies closely involved in the 2007 petition. It was identified early on that this tracing of the trajectory of the third gender movement in Nepal would also help explore the role of probable regional and global queer discourses on national movement formation, intensification and transformation. This was to be done by drawing from Pollock and Willams's (2010) approach to strategic ethnography - or the 'biography of artifacts' approach - which they formulate in opposition to the inadequacy of single-site studies of (in their case) technology at any specific moment in time, to instead propose multi-sited, multi-level, and multi-temporal inquiry with varying 'granularity' (depth and breadth) of data depending on what is most relevant for the study (as cited in Williams and Pollock, 2012). This approach takes a constructionist view in providing 'cues as to the important sites and settings for investigation, encompassing the broader context as well as immediate sites of interaction, but which is also open to the possibility of identifying important new phenomenon' (Williams and Pollock, 2012, p.2).

This biographical approach integrates multiple time frames of analysis and sites of inquiry, highlight overlapping arenas that capture linkages and interactions between different sites and players, and is flexible enough to capture shifts in focus and locus as the study progresses.

Following from this, the pilot study was used to map a biography of the 'third gender' category in order to accommodate the study of its temporal evolution within LGBT activism at three levels - national, regional and international - while also accounting for how this evolution might have subsequently shaped the movement. This exploration would start with the 'birth' of this category within specific socio-political contexts - namely, a national context of post-conflict restructuring of the state to a democratic republic amidst intensifying assertions of ethnic identities and the rights of 'minorities'; a regional context of the emergence of (postcolonial) queer activism that came to be focused on colonial era anti-sodomy laws that criminalized alternative sexualities and/or sexual practices in former British colonies, alongside a cultural acceptance and more recent legal recognition of *hijras* as a third gender category; and finally an international context of the turn of LGBT activism towards a human rights framework, which percolates into national-level activism that - to a great extent in postcolonial societies with fledgling economies and weak states - derives its sustenance from international solidarity networks and international aid.

The biography of the 'third gender' would highlight the role of this transnational interconnectedness in order to understand the kinds of negotiations that took place around its emergence or 'birth', as well as the consequences of the same on its 'growth' to the present day. Particular attention would be paid to the process of negotiations that took place before the drafting of the Supreme Court petition in 2007, as well as the interpretations and applications of the category by various collectives within the movement at different points in time. This was also to address the paucity in information on the role of other actors besides the Blue Diamond Society (BDS) within the LGBTI+ movement in Nepal – particularly the role of LBT (lesbian, bisexual and female-to-male transgender) activists in creating, sustaining and transforming the movement. This lack of attention to other actors was acutely palpable when taking into account the fact that there were three other NGOs alongside BDS that filed the first Supreme Court petition in 2007 but without much visibility afforded to these other NGOs – including any new NGO or group that might have emerged within the movement.

Early into the pilot study, it was confirmed that the last two petitioners in the Supreme Court case of 2007 - Parichaya Samaj and CruiseAIDS - were BDS-affiliated CBOs. Mitini Nepal had also only recently separated from BDS. The petition, then, was found to have been solely drawn by BDS, more specifically under the leadership of Pant. This will be discussed in detail in Chapter 6. However, it was found that there were two independent LBT organisations who stood in opposition to BDS - Mitini Nepal as already identified, and IFN. Interviews and informal conversations were conducted with staff and leaders of both organisations.

During this first phase of the fieldwork, a total of 18 activists from all three NGOs, independent activists as well as members of GASP were interviewed. In addition to this, six national and transnational allies based in Nepal were also interviewed, along with one international donor. As mentioned before, access within BDS was facilitated through a key person within the organisation who introduced me to the organisational head through an email while I was still in the UK. This facilitated easy access to other staff members within BDS as well. As mentioned already, a similar process was followed with Mitini Nepal, where I asked an acquaintance to introduce me to the leader of the organisation. Within the hierarchical social context of Nepal, it is important to approach organisations through key gatekeepers in order to ensure further access, though it does not always come with this insurance as was the case during the second field visit discussed in the next section.

During the first visit, I also attended a three-day workshop organised by one of the LBT organisations where I volunteered to act as the note-taker. This was decided when I first visited the office of the organisation and one of the staff members asked if I was able to type and take notes for them in English. This arrangement proved to be valuable as it allowed me to interact with the organisers in a more informal basis and hence establish rapport. Participation in the workshop for three days also gave me the opportunity to see first-hand how activists might mobilise their constituencies and from where, and what kind of planning and resources went into such an event. Permission for notetaking was taken from the organisers and participants before the workshop started, and my position as a researcher studying LGBTI+ organising in Nepal was made clear from the beginning.

Fieldnotes taken during this workshop show that there were a total of 19 participants, mostly involving queer people assigned female at birth but a couple of queer people assigned male at birth and a transgender woman. This workshop was important for my study because it gave me the opportunity to establish contact with LBT activists loosely or informally

connected with the organisation. This proved to be crucial in gaining information from activists who were less familiar with activist terms and strategies, thus providing valuable insights into identity formation and perceptions of the third gender category amongst people not central to the movement (discussed in Chapters 4 and 6). These formal and informal interactions were also helpful in establishing rapport, which assisted in the recruitment of additional participants in the second phase of the study discussed in the next section. Furthermore, it also extended my contact with some of the speakers who were invited to this workshop, and whom I later interviewed for my study in their role as allies.

I also attended a National Consultation Meeting organised by the same organisation a few weeks after the workshop, again providing note-taking services during the meeting. This provided the opportunity to observe the relationship between LBT activists and the guests invited, especially from women's rights organisations and from political parties. Observations of how the guests interacted with LBT activists during this meeting as well as the workshop mentioned above shaped my understanding of the marginalisation of LBT activists from the mainstream women's movement as well as political parties. I was invited to attend both events by the organisation head and negotiating access in these cases was not difficult. What was difficult, however, was that my repeated contact with this organisation made it difficult in establishing contact with lesbian activists independent of the organisation. As discussed in the section on reflexivity, it was also partly because of my position as a non-LBT identifying woman.

3.3.2 Second phase of fieldwork and data collection

After a reflective analysis of the pilot study, the second phase of fieldwork was carried out between June and September 2017, primarily in Nepal. A total of 20 activists, 13 national and transnational allies and five donors were interviewed during this phase. As mentioned before, a few other interviews with activists and allies continued throughout the course of the study. Activists interviewed in Nepal during this phase included a more diverse set of participants. Repeat interviews were conducted with some activists but more effort was also put into including activists outside of the capital city, Kathmandu. I travelled to two districts outside Kathmandu during this time, and conducted interviews with 12 variously-identifying activists, some working as staff members in a BDS-affiliated CBO and others loosely associated with one of the LBT NGOs. There was some difficulty in negotiating a meeting with one of the LBT activists, where they expressed a concern that I might be representing

the organisation they were previously working for, and that this meant I would be biased in my approach. When I had approached the said LBT organisation to express my interest in meeting activists in that particular place outside Kathmandu, I suddenly found myself cut off from the NGO and my subsequent calls to ask for a contact were left unanswered. This was strange because I had not had any problems with this NGO before. Since I was in touch with other LBT activists by then, I was able to contact two of them during this visit. One of them helped me establish contact with the hesitant LBT activist I mentioned above. Once I convinced them that I was not associated with the NGO but was instead a student researcher, I was able to conduct an interview with them.

I also conducted a focus group discussion with activists in the BDS-affiliated CBO outside Kathmandu. I also stayed with a *tesro lingi* identifying activist and his partner for a day during this field visit and spent two days with him at the office. Formal and informal conversations with him proved to be valuable in further analysing issues of resource allocation and the role of LBT activists within BDS as discussed in Chapter 6.

During the time of the second phase of my fieldwork in Nepal, I also travelled to Thailand to attend a conference. I had arranged to meet the UNDP representative who had worked with BDS but this meeting had to be cancelled due to the unavailability of the representative. However, I was able to meet another international researcher and activist from an organisation that was an ally to BDS. My interview with this person provided a better understanding of how transnational solidarity networks operate, and how transnational human rights work might be carried out.

On my way back from the conference, I had a layover in India where I was able to conduct personal interviews with three queer feminists, one of whom had been a closer ally to BDS while the other two had interacted with LBT activists from Nepal in events they attended together. These meetings were important in providing a better understanding of the use of identities among sexual and gender variant people assigned female at birth within the Indian context, and the political significance of the LBT category within lesbian activism in the South Asian context as discussed in Chapter 6. This also provided the opportunity to understand the nature of interaction of Nepal-based activists with those in India.

Upon my return, I attended a two-day National Consultation Meeting organised by BDS, noting the similar phrasing of the event name as in the case of the previous meeting mentioned above. However, the BDS meeting was organised at a much larger scale, with

around 200 attendees from many of its CBOs throughout Nepal, as well as representatives from local and national government bodies, civil society, donor representatives and national celebrities. I was able to have informal interactions with activists during breaks in the sessions. During the sessions, I again acted as the note-taker, this time alongside two other staff members from BDS. Besides these, I also attended a Gaijatra Pride Festival, the Laramie Project event discussed in Chapter 5 and two school outreach events as part of this project. Other interactions with activists were informal.

3.4 Reflexivity and positionality

Drawing upon the feminist principles of reflexivity that calls for clearly positioning oneself within the research, I apply Sandra Harding's (1993) concept of 'strong objectivity' by acknowledging that I am not a detached, objective and value-neutral observer. I am part of the social world I study as well as the one that I study in, and these associations become part of the process of this research. However, my location within these social worlds is complex since I am, as Temple and Edwards (2002) say, 'positioned along multiple axes of belonging and not belonging during research, and that these border locations are not fixed' (p.9). In this section, I discuss these multiple axes of belonging and not belonging that have shaped the research process.

In the context of my study in Nepal, I was a bilingual researcher who spoke both Nepali, the official language spoken in my main research site and English, the language in which I received my academic training and in which I was translating my data, analysing them and writing my thesis. Shklarov (2007) has talked about the advantages of being a bilingual researcher through the metaphor of a 'double vision' described as an effect of 'seeing two parallel cultural meanings or realities, and hearing two or more conceptual understandings [which] might be challenging, but if not obscured, it might meaningfully enrich the in-depth perception of the context area and contribute tremendously to the ethical sensitivity and the quality of research'. Being part of both the cultural and political context of Nepal and the academic rules and regulations of a university in the UK meant that I had to navigate the ethical and cultural paradigms of both cultures. This duality was more of an advantage rather than a hindrance, although this was because I was able to – between my two field visits and after - reflect on the impact of a Western academic education on my interpretations and analysis. For instance, it was only during my second field visit that I began understanding

the nuances of the ways in which identity categories were used by Nepali activists, which was very different from how they might be used and interpreted by queer activists in the UK or the global North in general, and by the queer scholars I had been reading including those from South Asia who wrote in the English language. This nuanced understanding was possible when I started paying attention to how the Nepali activists' interpretations of identity categories were inflected with cultural understandings of gender and sexuality, their locations in terms of class or social status, but also how these understandings were structured within the hierarchical framework of NGO activism. My knowledge of Nepali also afforded me easier access to non-elite activists who do not understand English and/or live outside the capital city, including lesbian activists who were normally only conversant in Nepali.

Just as my participants' views were structured by their social worlds, my analyses are also informed by my own subjective positions and life experiences. I was born and raised in Nepal in a multi-ethnic family with parents and grandparents coming from various *janajati* or ethnic minority groups and following different cultural and religious traditions. This is a unique arrangement in a context where families and marriages are generally organized endogamously. My political identification with a *janajati* identity comes with an ambiguous surname that I inherited from my paternal grandfather – though not his own father - which provides little clue as to which group within the broader *janajati* category I might fall into. At the same time, my mixed cultural heritage has also provided me an acute awareness early on of caste-based discriminations and biases between high-caste Hindu groups (i.e. Brahmins and Chhettris) and the supposedly 'lower caste' groups that form my family groups, but also those that exist *within* all caste and ethnic groups in the country. In the context of my study, my subjective position as an ambiguously placed *janajati* person has led me to question the authority of perspectives and even identity categories seemingly informed by the hegemonic Hindu religion, cultural values and practices that shape the social, cultural, economic and political lives of both Hindu caste groups and *janajati* groups in Nepal. This also applies to my questioning of the homogenising and marginalizing tendencies of identity-based movements, though such questioning was initially posed by a person who is an outsider to such political movements but who nevertheless comprises of the groups the movements aim to represent. However, the more time I spent with the activists and their words printed out as transcripts of interviews with them, the more I recognised and appreciated the significance of such collective action for minority groups in facilitating political mobilisation for social justice.

As opposed to the analytical lens that my position as a *janajati* person provided me, this position lay more or less dormant during my interactions with research participants in this study, many of whom also came from *janajati* backgrounds. Instead, my class and social position vis-à-vis the participants I was interacting with seemed to play a more significant role. My privileged position as a middle-class, English-speaking person educated in a private school meant that I had access – to some extent, given that I had been away from Nepal for a few years - to the kind of cultural and social capital required to navigate the highly privileged world of development aid. The mostly unregulated private education offered at varying levels of competency utilised by a small minority of urban Nepalis[10] puts them at considerable advantage compared to the vast majority of those who study in public schools[11], more so in terms of employment opportunities that require a proficiency in the English language. My private education and the social and global mobilities it afforded put me in a highly privileged position in comparison to many of the activists who were part of this study, especially the ones who hailed from small towns and cities all over the country and particularly the 'community mobilisers' who also happened to use Nepali terms for self-identification. This accorded me some sense of authority when I was informally vetoed by their supervisors during visits to office sites, helping facilitate interviews with staff members and allies. In such cases where hierarchical relations between the researcher and the researched were immediately evident, I made sure to the best of my ability to explain what my research was about, to make sure that the activists were willing to speak to me about the topics being broached during the interview, and to be respectful of the directions their narratives took as well as the limited time they often had amidst work duties.

In contrast, my social status did not necessarily translate into similar hierarchical relationships with those in leadership positions in the head offices of the three NGOs in Kathmandu that were part of my study. For these seasoned activists – particularly those from the Blue Diamond Society (BDS) but also comparatively few from Mitini Nepal who had frequently travelled outside the country for conferences, workshops and regional and global events and were used to interacting with researchers, activists, donor representatives and other allies from outside and inside Nepal, I was just one more researcher and a student at that with limited means. To counter my general lack of social, cultural and economic capital

[10]Private school enrollment accounted for only 17.2 percent of all enrollments at the lower secondary level in 2017. https://wenr.wes.org/2018/04/education-in-nepal

[11] The pass rates of private school students in a national School Leaving Certificate examinations stood at almost 90 percent in 2015 compared to 34 percent at public schools. (*ibid*)

in this context – as I have explained in section 3.2 before – I had to seek the help of some gatekeepers who had built working relationships with those leading at least two of the NGOs. Without the gatekeepers, it would have been difficult for me to access those in leadership positions within these NGOs, which would have made it difficult to access further participants in the study. However, my access to the gatekeepers and later the activists and their transnational allies and donors were again facilitated through my privileged location. For instance, my first contact with an LBT activist as I was finalising my PhD proposal and with the founding member of BDS, Sunil Babu Pant – who in turn facilitated my access to those in management positions within BDS - was both assisted by a White, queer human rights activist working in an international human rights organisation. He was one of the most visible transnational ally for Pant and BDS at the time I was carrying out my study since he had written extensively about both Pant and the organisation. My contact with him, in turn, was facilitated by an expat friend who had worked in Nepal as a consultant, and whom I had come to know as an undergraduate student of Development Studies at Kathmandu University prepping to enter the field of international aid. And yet, this background was not always enough for me to get access to donor representatives in some contexts especially when they were located outside Nepal, though such access was easier when it came to those located inside the country. I had an even harder time getting in touch with government representatives who worked from highly securitised compounds that require special permits for access, which I acquired through a friend whose colleague worked in one of the offices within the compound. In another instance, I had to return back from a scheduled appointment with another government official because he had left for a field visit. My privileges, then, were contextual where my access was regulated by those around me and, many times, by the people I was trying to access.

In instances when I had to interact with seemingly heterosexual and cisgender people outside the Nepali LGBTI+ movement, my visibly cisgender self also afforded me the privilege of avoiding the kind of scrutiny a gender non-conforming person might get during the course of such a study. The deflective language with which sexuality is spoken about in Nepal also worked to my advantage in some contexts, especially when the tone of these questions at the end of a very formal interview did not make me feel like I was in a safe space to talk about myself. I was asked on a few occasions by these people if I was part of the ‘community’, to which I simply replied that I did not identify with any of the identity terms, while the more circumvent way adopted by others broached the subject with the question, “Are you

married?" When I said yes, no further questions were asked about the gender of my partner - it was simply assumed. No questions were also asked about my sexuality at all - it was again assumed. This worked to my advantage in these cases because of an assumed affinity the respondent felt towards me and the openness with which they talked after this seemingly clear revelation of my positioning. However, with the activists I interviewed or interacted with, I made sure to clarify my position as a non-heterosexual woman whenever asked in an attempt to minimise the hierarchy between researcher and respondent in the best way I could, though with the knowledge that such hierarchies cannot be obliterated completely. This sometimes led me to have more personal conversations with a few of my study participants outside of the interview, though this was limited to only those who had asked personal questions of me.

In this context, Minai and Shroff (2019) reflect on their approach to research as a collaborative process where they centralise queer feminist care and engage in 'gupshup' (informal conversations), 'yaariyan' (friendship) and 'baithak' (meetings) with their participants (p.38). They argue that 'gupshup' allows for a deeper reach into 'knowledges in different vocabularies, accents, and epistemologies' which would be lost if they insisted on 'respectability, purity, singularity, and authenticity' (Minai and Shroff, 2019, p.38). They write,

> "To sprawl next to someone in an intimate, informal space is a specific relation between us: we understand that everything we say will not be transcribed and translated, hence transformed into public knowledge - that is the trust and safety that underpins our *gupshup* (chats/conversations) and *baithak* (meetings).' (Minai and Shroff, 2019, p.37).

Not every conversation I have had with activists have been recorded and transcribed. In some instances, I have chosen to omit even those things relayed off the record during formal interviews because the issues discussed would give away the identity of the participants in the close-knit activist circles of Nepal. However, I believe I have honoured these conversations by letting them direct the course of my study, its research questions and the final analyses.

Despite all attempts at minimising hierarchies between the researcher and the researched, it is impossible to do so to a large extent when there is a discrepancy in the social positioning of the two parties. In the quote above, Minai and Shroff (2019) write in the context of being collaborators and interacting with urban, educated, elite activists like themselves. While a few of the activists I interviewed comprised of such a group, 'sprawling' next to most of my

participants in an ‘intimate, informal space’ would be more unethical given the hierarchical positions we occupied. In such cases, it would be best to acknowledge this unequal relationship, do what we can to remove unease and inconvenience, and make our subjective locations clear to our respondents. For instance, I took the time to introduce myself to everyone I came across within the setting of an event, workshop or an office space. I clarified what my research was about and what the data would be used for, asking permission from everyone to use the recorder when it was required. I turned off the recorder during interviews whenever indicated by the participant or did not turn it on at all and instead took notes on my notebook with their permission. I also took the time to visit the offices as frequently as I could manage so that people had the chance to see and learn more about me before they agreed to talk to me. This is discussed further in section 3.5 on Ethics.

And yet, I am aware that despite these attempts, I am part of the same extractive process of knowledge creation within academia through the use of focused interviews on very specific subject matters, and participant observations during events. This was partly unavoidable due to the focus of my research that was more concerned with the activists’ professional rather than their personal lives. Participants would not benefit in any direct way through this process. However, I tried to make the interview process more of an exchange - tending towards a ‘gupshup’ - by being open about my confusions and positions in the way I framed my questions and gave visible cues to show the various emotions that became part of the conversations. These interviews also inadvertently led to personal accounts of hurt and pain by activists. As much as I tried to avoid encroaching on the personal lives of participants, these accounts kept coming back into the narrative since activism itself is profoundly personal. One way of honouring what was exchanged in that environment of trust has been through the inclusion in my thesis of terms of self-identifications that activists had used amidst laughter and banter even though they are used by outsiders to degrade and insult. I chose instead to focus on how the activists continue to embrace these terms at least within their close circles - terms that immediately communicate their desires like 'meti', or those laced with sexual innuendos like 'bhaalu' (slut).

My simultaneous insider and outsider status in terms of my various positionalities were constantly brought to the foreground or relegated to the background during the course of this research. One notable incident that provided me an opportunity for reflexive analysis and that highlighted my position as an outsider to the movement occurred during my attendance at a school outreach event in the summer of 2017 (discussed in Chapter 5). Conducted as part of the Laramie Project - a theatre-based initiative aimed at reducing stigma and violence

against those who identify as LGBTI - the workshop involved BDS staff members talking to secondary level students about their own identities and what they mean, the stigma and discrimination they faced personally, and what they do now as activists. I attended two of those workshops in two private schools in Kathmandu. When one of the activists scheduled to present their talk ran late, I was asked by the facilitator if I could speak about myself. As a fumbled to form a coherent narrative for myself, the difficulty of having to articulate something so personal in a class full of 20 or so expectant teens made me appreciate the 'script' that activists often develop to communicate some of the most personal and painful parts of their lives. This script is often repeated and polished to a point where outsiders might dismiss them for the same reasons - that they are too repetitive or too polished. However, without the scripts, it would probably not be possible to lay oneself bare in a room full of strangers every time they are asked to 'represent' themselves in a way that is legible, while still holding themselves together in what is basically an intrusion into their private lives. And yet, I also saw why these activists were committed to doing this because if they did not, no one else would talk to these students about 'desires', 'friendships', 'alternative genders and sexualities', 'third gender', 'LGBTI' or 'intersex characteristics' - some of the things we talked about in those two workshops I attended.

While I as the researcher would leave these activist spaces I was allowed into once I had collected my data, most of my participants continued to carry out their work as before. The close interactions I had with some activists - especially those who worked as community mobilisers in field offices - showed how much of their work remains uncompensated by their often modest salaries or stipends earned as part-time staff members or volunteers. During my visit towards the end of July, 2017, many of the community mobilisers followed their schedule of cycling or walking out into the heat to do 'outreach work' in the streets and public places. Although they were not bothered by the heat as much as I was, many of them said such street-based work sometimes puts them in a vulnerable position where they might get harassed by the general public. All of the things they do require their time, energy and intelligence which they invest not just into their work as NGO staff members but also as activists committed to building a better world for others like them. This investment requires compensation and this is especially important for the NGO activists who are part of this study who often come to the cities and towns as migrants, and are often from economically, socially and culturally marginalised communities in the country. This is also why it is important that adequate resources - particularly financial resources - support social movements and social justice issues that these activists are invested in. In low-income countries like Nepal, these resources do not come from the government but instead come

from regional and international sources as will be shown throughout this thesis. Such resources, however, are also necessary to be directed towards building sound socio-economic and political structures to ensure that everyone has the opportunity to enjoy what Butler calls 'livable lives'.

3.5 Ethics

This research followed the ethical guidelines as stipulated by the University of Glasgow for sociological research, and was approved by the College Research Ethics Committee. As per the guidelines, participants were provided with a Plain Language Statement (Appendix A) debriefing them on what the research is about, what the process is and what their rights are as respondents. This Statement was briefly summarised before the start of each interview - sometimes in English and at other times in Nepali depending on what language the participant had agreed to speak in. Permission was always sought to record the interview. Participants were asked to sign a consent form, though this was not used in case of all participants. This was due to two issues. First, it would be difficult to carry around a consent form to all public events, for example. Second, for participants not conversant in English, such forms that require signatures could be viewed with distrust. This could equally be applicable to forms in Nepali. Given this, I employed my judgement on whether or not to produce a consent form to sign.

Participants were also assured that their personal details would be kept confidential unless stated otherwise by the participant. Since the case under study is focused on a relatively small movement in a close-knit society of activists, participants were informed that complete anonymity might be difficult to achieve at all times. However, they were assured that strict measures will be taken to ensure confidentiality as much as possible. In addressing the important issue of maintaining anonymity, any direct identifiers (like names, pictures) or indirect identifiers (like occupation, workplace) that might expose participants or link direct quotes to particular individuals would be removed from final reports and any future publications. However, many of the seasoned activists within the movement were open to including their names in the report. After consideration, I have decided to use signifiers for each participant instead. In some cases, however, especially where I need to refer to documentary evidence which would inadvertently give away their identity, naming could not be avoided. These participants have confirmed that their names and quotes can be included in this study. This has been especially true of Pant since he was such a pivotal figure

in the movement, but also because he was the only public face of BDS for a long time. I have, however, been cognisant of the fact that some of the views he has expressed in the interview for this study are already documented elsewhere.

3.6 Data analysis

As part of the data analysis, the interviews were first transcribed - partly by me and partly by a hired transcriber. Since I can understand both Nepali and English and conducted the interviews on my own in both languages, I was also the translator of the Nepali words of my participants when it came to analysing the data and writing down this analysis in English. When words or terms could not be accurately translated from Nepali to English, I have tried to be careful of recognising and not letting an 'alien' framework of thought based upon an 'alien' set of universal principles (Temple and Edwards 2002) dominate my interpretations, rather than being concerned about finding the exact meanings of words. I was particularly cognisant of this when discussing identity terms in all the empirical chapters. Since my interviews were mostly conducted in Nepal while my writing was mostly done in the UK, I could not go back to most of the participants to clarify things as easily. Many of my participants came from economically disadvantaged backgrounds and I did not find it ethical to ask them for a contact address, including for reasons of privacy.

While I directly translated the audio recording from Nepali to English while typing, the other transcriber used pen and paper to do the transcribing. He later sent me image files of the pages he transcribed and gave me all the notebooks on which he had transcribed the interviews. The pen-on-paper method proved to be a major disadvantage during the process of analysis since the image files could not be coded in NVIVO, the data analysis software I intended to use. This meant I spent considerable time translating and summarising an immense amount of data to upload them on NVIVO. I could not do this for all documents due to lack of time but summarised the key points from these remaining interviews in another document. Because I could not code all files on NVIVO, I did so for the ones I could and finalised the guiding codes, then applied the codes to the remaining interviews.

Possible categories of analysis were identified by reading the transcripts, but also by being guided by literature review and the focus of the study. Categories were tested, collapsed into each other, discarded and built upon. The final categories used to code broadly included

codes on HIV/AIDS work, human rights work, transnational allies and networks, donors, financial resources, other resources and identities. The classification of work, networks and resources into ‘HIV/AIDS-related’ and ‘human-rights related’ emerged in these processes. Some of the data could more easily be represented by diagrams and tables, which have been utilised throughout the chapters in this study.

Chapter 4: Self-identification and collective mobilisation

4.1 Introduction

The main research question of the thesis is: 'What is the relationship of resources to LGBTI activism and queer identifications within the LGBTI movement in Nepal?' In order to begin to answer this question, it is first necessary to discuss the various identity categories used by activists for different purposes within the LGBTI+ movement in the country. This chapter shows the various ways in which participants in this study identified or did not identify with available gender and sexual identity categories. The chapter also discusses how and when these identity categories came into use, and what role LGBTI+ activism and research played in this.

There were various terms used for self-identification by the LGBTI+ activists interviewed for this study. In line with the findings by Khan (2001) in the context of India and UNDP and Williams Institute (2014) in the context of Nepal, people who identify with various terms pertaining to sexual orientation and gender identity (SOGI) in this study do not necessarily identify with a single identity category. This is because identities might signal one's sexual orientation, sexual behaviour/practice, sexual attraction, gender identity or gender expression - all of which can be fluid across time and space. As found in the survey conducted by UNDP and Williams Institute (2014) in Nepal, over half of the sample of 1,178 respondents from across Nepal identified with at least three identity categories. As Boyce and Coyle (2013) point out, while people may identify with certain categories when communicating with outsiders, this "should not be mistaken for fixed subjectivities that fall within the prevailing frameworks for sexual and gender minorities, such as LGBTI. In this sense, self-identifications cannot be taken as permanent or fixed and should be understood within a relative context, premised in part on whomever people are interacting with." Khan (2001) instead found among his participants who were men who have sex with other men that one's sense of identity did not necessarily rely on one's sexual behaviour but rather relied on kinship ties and one's place in the community.

During my study, no written evidence was found on non-heteronormative categories used by or used to signify sexual and gender variant people in Nepal before the Blue Diamond Society (BDS) was established in 2001. Although some vernacular and Anglo-American terms were in use in colloquial language, mostly amongst closed groups of sexual and gender

variant people, it was only after BDS's establishment that politicised identity categories like LGBTI+ and *tesro lingi* or third gender came into popular use. As explained by Fernandez (1999), politicised identity categories have been used in India and the rest of South Asia only since activism around these identity categories gained traction in the late 1990s. While homosexual *behaviour* and gender-variant people have been present in various documentations including ancient temple carvings, texts and legends throughout the sub-continent, these evidences of sexual- and gender- variant people have not necessarily translated into easy acceptance of those who might explicitly identify as homosexual, bisexual or non-binary. As discussed in the Literature Review earlier, the struggle for activists has been to balance the need for visibilising identities and issues pertaining to those identities, with the need to make those identities legible to a wide range of audiences including those within and outside the national borders. In these contexts where identity categories - if not practises - were a new phenomenon, visibilising these identities often required 're-discovering and sometimes even inventing words' (Fernandez, 1999, p.1).

This chapter starts with a brief introduction to the participants before discussing three gender-netural categories as they have been explained by participants in the study – i.e. *hijada/chakka, tesro lingi*/third gender and *samalingi*/same-sex - to show how, when and why these categories came into use and/or disuse. It then discusses the terms of (self-)identification used by activists assigned female at birth, and then those used by activists assigned male at birth. There were no conclusive interpretations of the various identity terms used by participants, nor did participants identify with only one identity category. It is important to remember that some of the earliest categories were used before the participants began working as activists or staff members of the LGBTI+ NGOs, and that the use of these categories by activists or NGO staff do not always reflect the realities of their use - if used at all - by 'queer' people who are new to or only marginally involved with the NGOs, or who do not want to be involved with the NGOs at all. A diversity in subjective positions also means that there are diverse ways in which the same identity might be interpreted and used by different individuals or by the same individual in different contexts or periods in their life. The following discussion covers a wide range of identity terms used in interviews, but this list is not exhaustive. The analysis below is only reflective of what participants in the study recalled from the past, and felt at the present to represent their and the movement's realities at that precise time and place in which the interviews were conducted.

Since BDS is the largest NGO working on LGBT rights in Nepal, most of the 43 activists interviewed were associated with BDS either formally (i.e. employed during the time of the

interview) or informally (i.e. employed in the past with continuing ties at the time of the interview). Out of the 43, 25 were associated with BDS, seven with Mitini Nepal and three with IFN while seven were independent activists. All of them identified as non-heterosexual and/or gender non-coforming except two people, one of whom was an intersex activist who identified as a heterosexual man.

In addition to this, another important point to highlight is that most of the activists interviewed were from Janajati groups as shown in Table 4.1 on page 97 below. As David Gellner - an anthropologist who has extensively studied issues of caste, ethnicity and religion in Nepal - argues in two of his publications,

> 'Nepalis and their friends have had to learn a new word for "tribe" since the beginning of the 1990s, namely, janajati. The term seems to have come into Nepali from Bengali, via Darjeeling. It was completely unknown in the early 1980s, started to be used in activist circles shortly before 1990, and now has wide currency among the political elite, though it is still far from being universally recognised in the wider population...The distinction between caste and janajati thus corresponds more or less to the Indian distinction between caste and tribe - with the important proviso that in Nepal the janajatis comprise a much larger percentage of the population (the exact percentage is debated: some claim they are as much as 41 per cent or more of the overall population' (Gellner, 2007, p.1825)

> 'The term *janajati* is a neologism that has come to be used for what used to be called 'hill tribes' and non-caste peoples of the Terai [i.e. the southern plains of Nepal']. It excludes the Parbatiya castes, both the dominant Brahmans and Chetris, and their associated Untouchable castes [e.g. Dalits]...as well as the many castes of the more elaborate social hierarchy of the Tarai...and NEFEN [Nepal Federation of Indigenous Nationalisites] aims to speak for all the other, supposedly indigenous, groups.' (Gellner, 2001, p.187)

Gellner centers his analysis on the collective mobilisation carried out by the Nepal Federation of Nationalities (NEFEN), established in 1990 to act as 'a federal umbrella group bringing together one representative member organisation for each 'nationality' or *janajati* in Nepal, with more than thirty such ethnic organisations having joined in July 2000' (Gellner, 2001, p.187 emphasis original). Gellner asserts that the 'strongly anti-Hindu and anti-Brahman' NEFEN, with activists who had studied and worked abroad, 'derived and translated [their agendas] directly' from global discourses on cultural rights and the various UN mechanisms for human, minority and indigenous rights[12] (Gellner, 2001, pp.187–189).

[12] Like the UN Declaration of Human Rights, the UN Minority Rights Declaration, the UN Draft Declaration on the Rights of Indigeous Peoples, the International Labour Organisation's Convention on Indigenous and Tribal Peoples, and the Charter of the Indigenous-Tribal Peoples of the Tropical Forests.

Gellner further asserts that the term Janajati was 'unused and largely unknown even in activist circles before 1990' and that the 'stress on indigenousness came later, with the UN's declaration of a Year of Indigenous Peoples in 1993' (Gellner, 2001, p.189). The most widely used term by activists in Nepal at the time of my study is *adivasi janajati*, with *adivasi* literally translated as the 'original dweller' or 'indigenous' even though - as Gellner points out - 'many *janajati* groups, or sections of them, have well-known myths locating their origin outside Nepal' (Gellner, 2001, p.189). The framing of collective identities and the processes of agenda formation by indigenous activists in Nepal, then, is seen to be replicated to some extent within the LGBTI+ movement as will be elaborated in Chapters 4, 5 and 6. However, one of the major differences between the two movements is that the leading indigenous organisation, NEFEN, is 'anti-Hindu and anti-Brahman' while the leading LGBTI+ organisation in the country has made use of Hindu religious texts and cultures to make a claim of what Touraine calls 'historicity' - i.e. 'the growing capacity of social actors to construct both a system of knowledge and the technical tools that allow them to intervene in their own functioning' (as cited in Buechler, 1995, p.444). Gellner (2001) concludes with a radical proposal that in order for the Nepali census to reflect people's actual identifications, the surveys should allow people to tick more than one box in the questions on ethnic or caste identity (Gellner, 2001, p.195). More than a decade later, the UNDP and Williams Institute (2014) survey on sexual and gender minorities in Nepal adopts a similar strategy, though it is not clear whether the author was aware of Gellener's work cited above.

To go back to the ascribed caste or ethnic status of participants in this study, the following table offers an interesting case for future analysis that might provide some useful insights into whether gender roles, identities and sexualities operate distinctively in Janajati groups in Nepal.

Table 4.1: LGBTI+ activist participants by ethnicity.

Ethnic/caste groups	**No. of participants**
Janajati (indigenous nationalities)	25
Brahmin	6
Chhetri	5
Dalit	1
NA	6
Total no. of LGBTI+ activist participants	43

The table above shows that 25 out of the 43 activists interviewed were from Janajati groups while 11 were from the dominant caste groups of Brahmins and Chhetris. Only one activist was from a Dalit group while the ethnic/caste affiliations of four activists could not be identified. The fact that there was only one Dalit activist among a total of 41 activists also points to Nepal's social hierarchies where Dalits are placed at the bottom of both caste as well as ethnic groups. If the Dalit activist is to be grouped under the broad category of activists from non-high caste groups, that would make the total proportion of non-high caste activists around 60% as opposed to those from the high caste groups at around 26%.

Despite a relatively small sample size, this figure showing a high Janajati participation in the LGBTI+ movement in Nepal reflects similar conclusions drawn from the UNDP and Williams Institute (2014) survey in Nepal conducted among 1,179 people classified as sexual and gender minorities. The 2014 survey misses out on an analysis of this distinction and what its significance might be, partly because it does not recognise all the disparate Janajati groups as non-high caste. It instead scatters them into eight distinctive groups that the respondents likely noted in the survey[13]. This makes it seem as if only 15.7% of the total respondents comprised of Janajatis. However, if all the other seven groups who also fall under this category are to be grouped together, Janajatis would form 45% of the survey respondents. Given the immense diversity of the 126 caste and ethnic groups within Nepal (Nepal Census 2011) and the project of official nationalism as national homogenisation during the 1990s (Onta, 1996), the distinctions in understandings around gender and sexuality within and between different ethnic and caste groups are mostly speculative at this point. However, the fact that a large proportion of LGBTI+ activists come from Janajati groups indicates that there might be distinctions yet to be explored. This is hinted by some accounts of the discussion on identities below, especially in the fluid subjectivities adopted by many of the general staff members of BDS-affiliated CBOs as well as all activists located outside the capital city, many of whom are Janajati. These distinctions will be pointed out in the sections below.

[13] These eights groups into Chaudhary (4.7%), Gurung (2.8%), Magar (3.8%), Newar (5.1%), Rai (3.2%), Tamang (2.7%), Tharu (7%) and Janajati (15.7%). Dalits comprise 7.3% of total respondents in the survey (UNDP and Williams Institute 2014, p.12)

4.2 Explanation on some gender-neutral terms of identification

4.2.1 'There are no hijras in Nepal'

A number of participants who could recall times before BDS's establishment said that before they came to know of terms like 'gay' or 'homosexual', people used what they now considered derogatory names like *hijada* and *chhakka* to refer to anyone who did not visibly conform to dominant gender norms (personal interviews with variously identifying activists 9, 34, 35 and 36 between November 2016 and August 2017; also see Tamang, 2003). The non-heterosexual sexual behaviour or practices of these people were - and still are - mostly implied in the use of these terms[14]. In the first study on men-who-have-sex-with-men (MSM) in Nepal by Boyce and Pant (2001) - Rapid Ethnography of Male to Male Sexuality and Sexual Health - *chhakka* is defined as a 'popular term of offence directed at *hijras*' (Boyce and Pant, 2001, p.23). *Hijras* (pronounced *hijada* in Nepali) are described in a footnote in the same report as "'eunuchs', often castrated male who live in communities and dress as women commonly found in South Asia. There is no *hijra* culture in Nepal, but people commonly know about hijras.' (Boyce and Pant, 2001, p.23). Definitions of hijra and what constitutes of hijrahood have developed to present a more nuanced analysis in later studies on *hijra* communities in India and Bangladesh (see Reddy, 2005; and Hossain, 2012 respectively).

Activists in Kathmandu interviewed for this study reiterated that there were no *hijras* in Nepal as they are found in other countries in South Asia organised as distinctive cultural groups. However, this study provided some indication of formations similar to *hijra* or rather *zenana* groups in India[15]. Personal interviews with cross-dressing performers called *natuwas* (discussed later) confirmed that the *natuwas* sometimes go to India with *party-walas* or party organisers who put together performance groups to sing and dance at private ceremonies (personal interview with *natuwa* activists 31 and 32, 3 August 2017). Drawing from previous reference to indigenous groups, all the *natuwas* interviewed in this study came from Tharu Janajati groups. The occupation of *natuwas* is similar to what has been recorded

[14] Whether or not the same terms of identification were applied to any individual men, those who displayed what were considered by others to be effeminate behaviour when young could often be targets of sexual abuse from other men their age or older (personal interview with independent gay and transgender activists between 3 and 17 August 2017; also see Kunwar, 2016 https://himalmag.com/silence-and-shame/

[15] See Hinchy, J. (2019). *Governing Gender and Sexuality in Colonial India: The* Hijra*, c.1850-1900*. Cambridge: Cambridge University Press.

as the traditional occupation of *hijras*. In another interview, an anthropologist based in Nepal said that these seasonal labour migrants did in fact perform like *hijra* groups, hence providing a strong indication of *hijra* individuals in Nepal (personal interview with Ally 3, 29 November 2016). The UNDP and Williams Institute survey (2014) also records three individuals who identified as *hijra*. Although this number is very small compared to the survey sample of 1,179 participants, it is nevertheless enough to show that there are individuals who identify as *hijra* in Nepal. It is most likely that these individuals reside around the border between India and Nepal, and perhaps come from low-income families and/or from Janajati or other non-high caste groups. The anthropologist mentioned above had carried out their study on third gender people in the western part of Nepal while the *natuwas* in my study were from the eastern part of the country. Different cultural practices might prevail in these two areas and more study would be required for a definitive answer on *hijras* in Nepal. However, what is interesting in reference to this study is that none of the participants identified themselves nor others as *hijras*. In fact, a BDS staff in a leadership position said there were no *hijras* in Nepal (Activist 1, 27 October 2016).

Despite the ambiguity over the existence of *hijras* in the country, what is certain from activist accounts is that people are familiar with the term in Nepal. However, many would not have seen a *hijra* in real life though they might have seen *hijra* caricatures especially in Indian films or television programmes. For the participants in this study, the 'cross-dressing' that *hijras* are seen to do publicly - instead of privately - was the most significant factor of *hijra* identification. The cultural distinctions that make one a *hijra* - through the supposed practice of castration (Hossain, 2012) or the organisation of *hijras* into distinctive clan-like social structures - are ignored or unknown in colloquial understandings of *hijras* in Nepal. Some participants in this study who said that they liked to dress as what was normally seen as the opposite gender when they were young, also said they found it confusing when they came across anyone who did so publicly. A couple of respondents recalled,

> "My 'nature' was like a girl's since I was young. I used to wear lipstick and kohl but only secretly and in private. But when I came to Ratnapark and saw these people do the same 'publicly', I felt uncomfortable. Maybe these are the ones 'society' calls *hijadas*...These were people who walked *chhamak-chhamak* (i.e. with a sway)...But I didn't think I was a *hijada*...I had not been around people from my community then. I had only seen the *hijadas* represented in Hindi films and I felt like I was different from that community…but the community in Ratnapark used *chhakka*, *hijada* and I got in the habit of calling myself that at times...using degrading words that others used...Some of them used words like *bhaalu, randi* (i.e. terms used for sex workers) [laughs] We never used such

> 'vulgar' words in my family...you know, such 'slang' words that boys use. I didn't use those words so I would be a bit scared. "
>
> (personal interview with Activist 33 self-identifying as *tesro lingi*, 3 August 2017)

> "If a boy behaves like a girl, they ask why that person is behaving like a girl even though he's a boy. In Nepal, *chhakka, hijada* are very 'common words'. Even children say it. Even when I walk down the road, I sometimes feel angry. I'm just walking on my own and someone might say, is that a boy or a girl, that's a *chhakka,* a *hijada*...even small children will say that. Because of this what happens is there is a bit of 'stress' in the mind…"
>
> (personal interview with Activist 22 who did not use any gender or sexual identity categories for self-identification, 14 June 2017)

As shown in the quotes above, *hijada* and *chhakka* are terms used by people to degrade anyone seen as defying gender norms through their mannerisms and the way they dressed. While crossing of gender norms in a visible manner was considered an overt sign of being a *hijada*, for those familiar with cruising sites and same-sex sexual practices, this also implied a crossing of sexual boundaries. As shown in the two quotes above, *hijada* and *chhakka* were used for both men and women who transgressed societal gender norms. This gendered understanding is in contrast to scholarly work on *hijras* in India and Bangladesh - the two other South Asian countries where *hijras* are most visible – which state that only those assigned male at birth can become *hijras*. Two activists assigned female at birth and interviewed for this study also said they were often called *hijada* by others (personal interviews with Activist 16 self-identifying as lesbian on 28 November 2016 and Activist 39 self-identifying as *tesro lingi* on 27 August 2017). *Hijada* in Nepal's context, then, does not signify the cultural practice of *hijra*hood as they do in the rest of South Asia.

In contrast to the negative connotation of *hijada* and *chhakka* in Nepal, these terms can also be used as one of endearment or friendship among groups of queer individuals who have a formed a community between themselves, as is indicated in the first quote in this section. "We might sometimes use *hijada, chhakka* to joke among friends," explained another participant, "Others might call us by these terms...but we consider them to be derogatory words. We might use them for fun among ourselves...but we don't use them when we're talking about 'rights'." (personal interview with Activist 9 self-identifying as gay, 11 November 2016). Only one respondent who called herself queer (Activist 39, 27 August 2017) said she also called herself *hijada* in an act of reclamation of the word from its derogatory connotation - an act of defiance against a society which had used those words to

degrade and hurt her. However, for many participants *hijada* and *chhakka* were ambiguous terms often imbibed with shame, while for others they were used in jest and friendship. They were, however, always used in informal settings if used for self-identification at all and were always used in a derogatory manner by outsiders.

This section leads to an important question around why *hijras* do not figure within Nepali LGBTI+ activism. The answer is partly in the question - i.e. *hijra* mobilisations might be separate and exclusive from LGBTI+ mobilisations in Nepal, and perhaps in South Asia. *Hijras* from India have been recorded to have mobilised themselves politically since as early as 1969 as discussed in an earlier chapter, and have achieved landmark political victories in India and Pakistan (Hall, 1997). However, despite evidence to the contrary, *hijras* have been made absent in Nepali LGBTI+ activism.

4.2.2 *Tesro lingi* / Third Gender

Thirteen participants from among the total of 43 activists interviewed in this study identified themselves as *tesro lingi* and/or third gender. However, this number fluctuates when the meaning of third gender or *tesro lingi* is taken into account, as expressed by different participants. As an activist occupying a management level position in BDS explained in a personal interview for this study, 'third gender' denotes 'transgender', whether they be 'male-to-female' or 'female-to-male' (personal interview with Activist 1 self-identifying as a transgender woman, 27 October 2016). While the meaning of third gender has undergone some changes (discussed in Chapter 6) since it first came into use, the sections in this chapter highlight the contested nature of this term as well as its differential access between those closely involved in activism through one of the LGBTI+ NGOs, and those only marginally involved with these NGOs or not involved at all. This will be elaborated in separate sections below on identification terms of those assigned female at birth and those assigned male at birth.

Officially, *tesro lingi* or third gender or 'TG' is understood as a term meant for anyone identifying as transgender - whether it be a transgender man, transgender woman or, simply, transgender. However, the term more easily conjures up the image of transgender women and also *metis* for many. This was especially true among participants in this study who were not closely involved as full-time activists at one of the LGBTI+ NGOs, or who had only recently come in contact with them. For example, a part-time BDS staff who had recently

joined the organisation said, "*Tesro lingi* means TG. They are men who dress as women and do 'night duty' (referring to sex workers)" (personal interview with Activist 8 identifying as *dohori*, 11 November 2016). Another masculine-presenting *samalingi* respondent loosely associated with Mitini Nepal said they first understood BDS as an organisation for *tesro lingi* and that he was surprised when someone else referred to him as *tesro lingi*. "I had only heard of two genders - male and female," he said, "but they called me *tesro lingi* and asked me to visit their office for more information"

All of those who self-identified as third gender during interviews for this study were closely associated with BDS or one of its CBOs.

> "There are many 'transgenders' who don't like being called 'third gender'. There are many who prefer calling (themselves) 'female' but there are also others who say why we should be called 'female'....most people who are dedicated to activism use transgender or third gender, while those not involved in activism and have already done 'sex change', they will call themselves women…they are the ones who prefer to call themselves 'female'...So there are very mixed opinions." (personal interview, Activist 1, BDS management level staff self-identifying as a transgender woman, 27 October 2016).

The quote above clearly states that distinctive identity terms that are new to Nepal's socio-cultural context like transgender and third gender are taken up as collective identities by activists as opposed to non-activists. Though it cannot be said that all people who undergo gender reassignment surgery will want to identify as the gender opposite to that assigned to them at birth, the quote makes a clear distinction in the value placed by activists versus non-activists to categories prominent within activism. The ways in which activists use the third gender or *tesro lingi* categories will be analysed in further detail in Chapter 6.

The founder of the lesbian organisation Inclusive Forum Nepal - Badri Pun - had also identified as *tesro lingi* when they were still employed at BDS. Their citizenship document still identifies them as *tesro lingi*, which led to their ineligibility in fighting local elections in 2017 when they were offered a nomination for vice chairperson of a rural municipality by the party they were affiliated with, the Communist Party of Nepal (Unified Marxist-Leninist) (Subedi, 2017). Pun is reported in the online news report by Subedi (2017) as saying, "The district election officer told me that my citizenship does not help. He told me that I am neither male nor female, so he cannot allow me to contest even though my party has recommended me". According to the rules of the Election Commission in Nepal, as stated in the report, if a political party nominated a male for the post of chairperson of a local government body like the municipality office, then the nominee for vice-chairperson needed to be female.

According to legal documents, Pun was neither. The injustice of this is complicated even further when it is noted that Pun's new citizenship document which they fought for so their gender identity could be changed to *tesro lingi,* maintains the feminine name given to them at birth. The news report quotes Pun pointing out that two male party members had been nominated as chair and vice-chair in another municipality, to which the Election Commission did not present any objection. Similarly, senior party leaders expressed 'sadness' that had this issue been raised in time to party leadership by Pun, the party could have intervened, and a resolution agreed upon.

During a personal interview for this study, Pun said they were trying to change their citizenship certificate back to 'female' (personal interview on 29 August 2017). These deliberations show how personal identities might be shaped by structural constraints, but also how identity categories can prove to be useful tools for inclusion - for women, in this instance - but also create exclusions for others, like for those identifying as *tesro lingi*. These marginalisations are often overlooked during policy implementations - as was the case with the Election Commission rules - and sidelined by political leaders as in the case of the political party Pun was affiliated with. There are similar bureaucratic issues that affect transgender and *tesro lingi* people beginning from the birth certificate to the issuance of passports which have deterred many of them from applying for identity documents under the *tesro lingi* category. The UNDP and Williams Institute (2014) survey also notes that 7.6% of the respondents or 82 individuals (71 assigned male at birth and 9 assigned female at birth) out of the total 1,179 respondents had tried to change their gender on their citizenship documents, but only five had been successful (p.14). Those who did not apply might not have done so 'possibly due to perceived bureaucratic barriers in the process or the lack of interest on the part of LGBT individuals' (UNDP and Williams Institute, p.14). However, one caveat of this data is that it does not show how many people - not identifications - in total might have been eligible to change their gender identity in identity documents and chose not to do so. This number cannot be calculated because the report presents data on identifications rather than on individuals.

Another interesting aspect around identities in my study is that many participants recounted that they first heard the term 'transgender' or 'TG'or met transgender people including *metis* after having come to BDS (e.g. Activist 1, 2, 4, 8, 9, 14, 18, 22, 26, 27, 28, 32 and 37). As one of those activists elaborated -

> Activist 28: I've been associated with the office since 2010. I didn't know about LGBTI before this...When I went to school, I used to pass by BDS office. The staff there saw me and came to talk to me. They said there were programmes in Kathmandu and that I should come to these programmes. I used to be scared of them...what kind of people are these?
>
> KR: What kind of people did you meet?
>
> Activist 28: They were *metis* ...men dressed like women...and they had men's voices. I used to be scared about what people would think of me if I spoke to them. I tried to avoid them but they kept asking me to come to their office. But they never told me what kind of a person I was when we met on the streets. There was a district-in-charge…[and] when he pestered me to visit the office, I came [here]. He brought me to the human rights office...Later [name of LBT activist removed] from [name of BDS-affiliated LBT CBO removed] provided me counselling and he told that I fell under the TG category. I didn't know what kind of a person I was before this. I went home and shared this information. At first, my mother did not believe me but I told them there were other people like me. Slowly, once they learnt more about this and my sisters started meeting others from the office in X, I could tell everyone about myself openly. I don't have much problem from my family now.
>
> (personal interview on 2 August 2017)

From the quote above, it is evident that BDS activists were not only introducing new identity categories but were also situating specific people into those categories.

4.2.3 *Samalingi*, 'same-sex'

A comparative and etymological dictionary of the Nepali language by Turner (1931) available online and updated in January 2006[16] , and *A Practical dictionary of modern Nepali* published in Delhi, India by Schmidt (1993) which was updated online in June 2005[17] do not include the word *samalingi* (समलिङ्गि, समलिङ्गी) which is made out of two words - 'samm' or 'sama' meaning 'same' and 'linga' meaning both 'sex' and 'gender'. In Hindi, *samalingi* is often written as *samlaingik* which can be translated to 'same-sex' or 'same-gender'. As the translation of *linga* or *laingik* makes evident, there is a conflation between sex and gender within the context of these two languages, which are the respective dominant languages in the two countries. Khan (2001) notes this conflation of gender and sexuality in the context

[16] As accessed on 26 July 2019 from https://dsalsrv04.uchicago.edu/dictionaries/turner/
[17] As accessed on 26 July 2019 from https://dsalsrv04.uchicago.edu/dictionaries/schmidt/

of his studies on men who have sex with men in India while Pigg (2001) makes the same observation in the Nepali cultural context in her ethnographic work on HIV/AIDS intervention in the country.

Within the context of queer activism in India, it was queer organisations and collectives that started using distinctive terms to signify homosexuality which differed according to their location in different geographic, cultural and linguistic spaces. For instance, an Indian queer activist explained in a personal interview for this study (personal interview, Ally 9) that Sappho - an informal support group for sexually marginalized women and transmen in Kolkata, East Bengal - started using the Bengali word *samkami* to refer to homosexuality since the late 1990s, particularly after protests by urban lesbian activists against an attempt by the Hindu Right to ban a purportedly lesbian film, *Fire* (Kapur, 2001). These protests are popularly believed to have kick-started a vocal, visible queer movement in India. Similarly, a comprehensive report on lesbian, gay and bisexual rights in India in 1999 compiled by Bina Fernandez reclaims the Urdu word *humjinsi* (literally translated as 'being of the same nature or genus, or species or class') to mean 'relationships between people of the same sex' (Fernandez, 1999, p.1). *Humjinsi* and *samkami* are gender neutral words and, according to Fernandez, 'non-pejorative' - and quite significantly, does not constrict the definition of the relationship to the sexual' (Fernandez, 1999, p.1). However, as the queer activist mentioned above suggested and which Fernandez's report confirms, these terms were attempts at 're-discovering, and sometimes inventing words' - whether their meanings implied relationships beyond the sexual - to visibilise politicised identities around which an emerging queer movement in India could mobilise. The processes themselves mark the emergence of the queer movement in India alongside the emergence of native language terms to signify people who were spearheading a distinctive movement.

Although Khan (2001) confirms *samlingi* - along with *humjinsi* which is not used in Nepal - are contemporary transliterations of the word homosexual, he interestingly says that they only refer to men who have sex with other men (MSMs), even though the words themselves do not indicate the gender of the subject. Khan (2001) simply refers to homosexual women as 'lesbians', although later publications make use of one or more of the above terms to also refer to a broad group of LBTs. This indicates that Khan either overlooked the fact that *samlingi* and *humjinsi* were gender-neutral terms when writing his paper in 2001, or that the terms had not yet gained traction among lesbians at all. More research needs to be conducted in the use of these two categories within Indian scholarship and activism to make conclusive arguments, which is beyond the scope of this study. However, in the context of Nepal, the

use of these and other terms can be traced to the LGBTI+ NGOs as will be shown throughout this chapter.

In this study, six activists assigned female at birth used *samalingi* or *samalingi mahila* (homosexual woman) alongside other identity categories as terms of self-identification while only two gay men identified themselves as *samalingi purush* (homosexual man) alongside 'gay'. A few activists associated with BDS credited their organisation with introducing more 'respectable' terms for queer men in contrast to the derogatory terms discussed in the section above like *hijada* and *chhakka*. "It was only after BDS was established in 2001 that they were given nicer terms like *samalingi* and 'homosexual'," explained an old-time activist of the men who had been called *hijada* and *chhakka* before (personal interview, Activist 36, 16 August 2017). In the context of LGBTI+ organising in Nepal, *samalingi* is used to refer to both homosexual men and homosexual women, though the term is used more frequently by homosexual women as well as masculine presenting people assigned female at birth, as will be shown in the next section.

4.3 Terms of (self-)identification for those assigned female at birth

There were 18 participants in this study who were assigned female at birth and who identified variously based on gender identity, gender expression, and sexual orientation. According to a full-time staff member of BDS, only one term was initially in use within BDS - and as an extension within the movement - to refer to women who were attracted to other women, i.e. 'lesbian' (personal interview with Activist 18 from BDS, 5 December 2016). However, as in India, other terms like *samalingi* (often suffixed with *mahila* or woman) has entered activist lexicon as discussed in this section. The UNDP and Williams Institute (2014) survey in Nepal discussed above showed that those assigned female at birth only use two identity categories to signify any of these subjective positions, this study showed something contrary. The UNDP and Williams Institute (2014) survey classifies these identity categories used by those assigned female at birth into only two categories - third gender/transgender and lesbian/gay. In contrast, the participants in this study could not be neatly categorised into these two groups. Participants instead used eight identity terms for self-identification as shown in Table 4.2 below, though one lesbian activist also said they often used 'lessie' to refer to each other (personal interview with Activist 4 from Mitini Nepal, 27 November

2016). Unlike the survey, participants in my study were not asked what their primary or secondary identifications were. They were simply asked what they identified as and for some of them, these identity categories did not remain consistent throughout the interview. The small size of the sample is not enough to generalise why this might be the case. However, the following sections discuss the complexities of identification, especially along the lines of gender identity and gender expression.

Table 4.2: Terms of self-identification used by those assigned female at birth.

Terms of self-identification used by those assigned female at birth	Mentions
'Biological' woman who likes other women	16
Lesbian	6
Samalingi/samalingi mahila (homosexual woman)	6
Third Gender/ Tesro lingi	5
Not sure	3
Transgender man	2
Transgender	1
Queer	1
Intersex man	1

Almost all of them made it a point to say during the interviews that biologically, they were women and sexually, they were attracted to other women whether these other women expressed themselves as masculine or feminine. Out of the total of 18 participants assigned female at birth, six identified as 'lesbian' while the same number identified either as *samalingi* (same-sex or homosexual) or *samalingi mahila* (homosexual woman). Five identified as third gender or *tesro lingi* while two identified as 'transgender men', one simply as 'transgender' and three who were not entirely sure if they were *samalingi*, lesbian or transgender. There were overlaps between these identity terms, with many of them using more than one of the eight terms in the table. For instance, all of those who identified as 'transgender men', 'transgender' or *tesro lingi* also identified as *samalingi*, but not as 'lesbian'. The Nepali term *samalingi*, they said, referred to 'same-sex' or homosexual. These participants, then, could be *samalingi* (homosexual) and transgender or *tesro lingi* at the same time. Additionally, what this also shows is that *samalingi* can mean 'lesbian' for some

while not for others. *Samalingi*, then, always means homosexual - or 'same-sex' as the participants explained - but it does not necessarily mean 'lesbian'.

The identity terms that participants aligned closely with could also be dependent on what others around them call them. As one masculine-presenting *samalingi*-identifying participant related, he uses the term *samalingi* for himself and prefers to use masculine kinship terms (note: gender pronouns are not common in the Nepali language but gendered kinship terms would reveal the gender preference of participants). He adds that his Filipino friends whom he met while working as a migrant labourer abroad had called him 'toom-boi' (referring to 'tomboy' or tomboi) though other activists in Nepal called him 'lesbian'. He said he was okay with whatever people called him as long as they were not being disrespectful. However, he also went on to say,

> 'I don't have much *gyan* (knowledge) but I know what lesbian, gay is...I don't know when [organisation name removed] was established, who established it. Why I don't know is they haven't educated us about that (*padhayeko chaina*). Even in [name of home town removed], meetings used to happen once a week or once every month. They used to talk about what's happening, where things are…these are what they taught us. But I forgot everything…more than forgetting, I think people have to pay attention (in order to remember it).'
>
> (Personal interview with Activist 7 affiliated to Mitini Nepal, 10 November 2016)

As evidenced in previous studies in Nepal and India (like Khan, 2001; Cohen, 2005; Boyce, 2007; Boyce and Coyle, 2013; Coyle and Boyce, 2015), identifications expressing one's gender identity and/or sexual orientation were not always important for all participants, especially if they were not closely associated with the LGBTI+ NGOs as activists. In the context of this study, this is especially true of participants who did not work full-time as activists/staff at one of the LGBTI+ NGOs, or were only loosely tied to one of these. As is demonstrated in the quote above, the participant did not know much about the organisation they were affiliated with but sometimes attended events organised by the NGO[18].

Importantly, the quote above also underscores the hierarchies of knowledge between those who are seen to be knowledgeable about English identity terms like lesbian and gay and those who are not knowledgeable about them. Not knowing other identity terms in English

[18] The participant (i.e. Activist 7) also said they were trying to get the political party they were associated with to get 'LGBT issues' into the party agenda, though nothing had come of it during the time of the interview.

besides lesbian and gay is seen as a *lack* of knowledge on the part of the participant. Neither do they know about the organisation, nor the issues discussed during the meetings they attended. Such knowledge, according to them, comes from the organisation through 'education'. This education, however, is easily forgotten. The education then can be assumed to not specifically align with the participant's own knowledge, i.e. the knowledge that they are *samalingi* (homosexual, discussed later).

The same participant above related,

> "Sometimes people ask me whether I'm a boy or a girl. They ask what wage they should pay me…because they might pay Rs. 1000 for men and Rs.500 for women. So they ask me whether they should pay me the men's wage or the women's wage. I tell them they can pay me what they like. I don't say I need Rs.1000 or Rs.500. I ask them to pay me what they like. I ask them to look at me, think about who they think I am, and pay me accordingly." (Personal interview with Activist 7 affiliated to Mitini Nepal, 10 November 2016).

In terms of gender expression, participants were found to express their gender either through the way they dressed, their hairstyles and mannerisms alongside kinship terms which were highly gendered, instead of the gendered pronouns distinctive of the English language. All of those who identified as transgender men, transgender or third gender were masculine presenting. They dressed in jeans, trousers and shirts, had cropped hair and preferred to be addressed as *dai-bhai* (older brother - younger brother), *mama-bhanja* (maternal uncle – nephew) or simply 'sir'. However, dressing in a more masculine manner was not limited to transgender men. One person who identified as lesbian, one who identified as queer and another who did not identify with any of the terms also said they preferred a masculine presentation, though they retained their feminine kinship terms like *didi-baini* (older sister - younger sister), or *chori* (daughter). From among the eighteen participants assigned female at birth, only three identified as feminine-presenting lesbians. Gender expression, then, were not always an indicator of one's sense of gender identity.

This sense of gender identity was also not necessarily fixed in some cases. One of the participants who identified as a lesbian and a women's rights activist (referred to as X in the excerpt below) during interviews was found to be addressed exclusively by masculine kinship terms by some of those who knew her as shown in the excerpt below from a friend of the lesbian identifying activist -

> "I had many lesbian friends even before I started coming to Mitini. I used to call them *dai* (older brother) and *bhauju* (sister-in-law). There were lesbians who

> were younger than me and I used to call them *bhai* (younger brother). When I started talking to X, I really started regarding him as my brother and put rakhi and *bhai tika* on him[19]. I started coming to (this organisation) because of *dai*." (Personal interview with Activist 10 self-identifying as a transgender woman, 11 November 2016).

In a workshop attended as part of fieldwork for this study, participants in that workshop also kept referring to X as 'sir' or *dai* even while X had clarified in a personal interview, "I am a woman and I want to introduce myself as a women's rights activist." (Personal interview with Activist 4 from Mitini Nepal self-identifying as lesbian, 10 November 2016). From observations made at this three-day workshop, X was not found to mind being addressed as 'sir' or *dai* and these forms of address seemed to be what X was normally used to. X's sense of gender identity, then, shifted according to the context - when being formally interviewed, X introduced herself as a woman; but when interacting informally with others, X was happy being addressed with masculine kinship terms.

Similarly, there is also no consensus on what transgender means for those assigned female at birth, and if it means the same thing in all contexts. Three of those who identified as 'transgender man' or 'transgender' also identified as *tesro lingi*, while other transgender men did not like being called so. However, as stated above, not all masculine presenting people assigned female at birth identified with any of these terms. In this context, *tesro lingi* is understood as a masculine identity used by some masculine presenting people assigned female at birth. However, *tesro lingi* or third gender does not automatically translate to 'transgender' or 'transgender man'.

Even the definition of 'transgender man' differed between participants. As one participant said, they identified as *tesro lingi*, 'transgender' and 'TG' but not as a 'transgender man'. This participant explained that they believed one had to have had gender re-assignment surgery (referred to by all participants as 'sex-change surgery') in order to qualify as a 'transgender man'. However, given the lack of financial resources and medical services, none of the others mentioned surgery as a requirement or necessity, or even a possibility. None of them had had these surgeries but they did not express any contradiction in calling themselves 'transgender' or 'transgender man'. Similarly, another participant used various terms like 'transgender', *samalingi* and 'lesbian' or 'lessie' to identify themselves

[19] *Rakhi* and *bhai tika* are Hindu rituals where sisters pray for their brother's wellbeing and the brothers pledge to protect their sisters

throughout the course of one interview (personal interview with Activist 25 previously associated with Mitini Nepal, 31 July 2017).

Despite the lack of consensus, there was some commonality in the way participants described a 'transgender man', which is described by a participant as someone who is "a girl but has the feelings of a boy, has the 'get-up' of a boy, and who changes their feminine name to a masculine name" (personal interview with Activist 6 working part-time at a BDS-affiliated CBO in Kathmandu, 10 November 2016). The same person added that he used to play competitive games from a young age, and that transmen 'take up a girl' and want to move freely in society. This association with sports, a masculine way of dressing up (in shirts and trousers), and seeking freedom of movement came up repeatedly in accounts of masculine-presenting, female-bodied individuals when they explained what made them different from other girls/women except for the fact that they were also attracted to girls.

> "I identify as third gender. I don't call myself a lesbian anymore because I don't like the *dohori* (dual) role. I like the top role, the man's role. So I understand third gender as someone who is born male or female but as they grow up, their gender expression and behaviour changes" (personal interview with Activist 26 working in BDS-affiliated CBO, 1 August 2017)

However, there is one consistent way in which *tesro lingi* or third gender is used by participants assigned female at birth. It is a term of self-identification that acts as an organisational identity - i.e. it is only used by those who are associated with BDS or IFN. IFN is known among LGBTI circles as the organisation led by transmen, though the organisation itself claims to work for LBT people or, as the one of the IFN members elaborated, 'those with uterus' as opposed to those without (personal interview, Activist 2, IFN, 28 October 2016). Many participants also said they first heard the terms *samalingi*, transgender, transgender man, third gender and *tesro lingi* when they came in contact with one of the LGBTI+ organisations. However, some of these participants - especially those who could understand some English - had known of the term 'lesbian' through films or through social media even before they came to be associated with these organisations.

For others who were not well-versed in English, 'lesbian' was a term they came to know through their association with activists. As mentioned earlier, one masculine-presenting *samalingi*-identifying person said he uses the term *samalingi* for himself and prefers to use masculine kinship terms (personal interview with Activist 7 affiliated to Mitini Nepal, 10 November 2016 - note: gender pronouns are not common in the Nepali language but gendered kinship terms would reveal the gender preference of participants). He adds that his

Filipino friends whom he met while working a migrant labourer abroad had called him ‘tomboy’and other activists in Nepal called him lesbian. The participant’s account here underscores the hierarchies between social and class positions, indicated by his use of a Nepali term for self-identification as opposed to the use of an English term by more seasoned LBT activists, or the use of other multiple categories as expected by the researcher[20].

To conclude this section on identifications pertaining to participants assigned female at birth, there were no conclusive interpretations of the various identity terms used by participants assigned female at birth, nor did participants identify with only one identity category. Although all of them were united in their sexual orientation whereby they were all ‘biological women’ who were attracted to other women, the way they expressed themselves in terms of identity categories showed a diversity in terms of self-identification and self-expression. These identifications and expressions were sometimes dependent on who they were speaking to, while at other times they were dependent on how others perceived them. Gendered sense of self were sometimes mediated through class positions when knowledge of English language terms - likely made accessible via participation in activist spaces - provided access for some to terms like ‘transgender’ and ‘lesbian’ while not for others. Gendered sense of self were instead provided by the use of kinship terms (like brother, nephew) and by one’s gender presentation (through clothes, hair cut).

Some participants also felt like their gender expression did not lead to family or social ostracisation. Two among these were masculine-presenting LBT activists from Janajati groups, though their position as breadwinners or ‘sons’ of the family might also have had some influence.

4.4 Terms of (self-)identification for those assigned male at birth

As is the case in the rest of Asia, there is a wider variety of terms in record that are used to represent sexual and gender variant people assigned male at birth, whether they identify as homosexual or not (Pant, 2005; Boyce and Coyle, 2013; UNDP and Williams Institute, 2014; Knight, 2015b). Among the participants interviewed for this study, 20 had been assigned

[20] See Chapter 3 for a detailed account of the influence of the researcher in this process of solicitation of answers.

male at birth. These participants used nine identification terms for themselves as shown in the table below. But as mentioned before, there are a wider variety of cultural terms in use especially used outside Kathmandu that were not covered in this study due to the sample being drawn primarily from Kathmandu - examples include *phulumulu, maugiya, kothi*. From among the activists, only 12 worked and lived outside Kathmandu though the focus group discussion also included around 20 participants in total. Data on self-identification was not gathered during this focus group discussion.

Table 4.3: Terms of self-identification used by those assigned male at birth.

Terms of self-identification used by those assigned male at birth	Mentions
Third Gender/tesro lingi	8
Gay	7
Transgender woman	6
Natuwa	3
Queer	3
Samalingi purush (homosexual man)	2
Feminine gay	2
Meti	1
MSM/MSW (men-who-have-sex-with-men/male-sex-worker)	1
Dohori	1

Out of the ten terms used by activists assigned male at birth, 'third gender' was the most popular term for self-identification used by eight of them, followed closely by seven who self-identified as 'gay' and six who self-identified as 'transgender woman'. Three self-identified as *natuwa* (discussed below) and the same number identified as queer. Two of them used the Nepali term *samalingi purush* (homosexual man) for themselves to signify their sexuality while two others used an English term 'feminine gay' to specify their gendered self. Finally, one identified as *meti* while one more identified as *dohori* (one who plays the dual role) as well as a male sex worker (MSW) but insisted he was not 'gay' (discussed below).

The ways in which the English language terms like 'gay' and 'transgender woman' are understood and applied in the Asian context are often different to what they mean in their spaces of origin in the Global North. Previous studies discussed above have recorded considerable proportion of respondents who primarily identified as 'gay' (a third out of

1,178) in a survey in Nepal as saying that they were also attracted to women, while a slightly bigger proportion had had sex with women in the previous 12 months prior to the survey (UNDP and Williams Institute, 2014, p.34).

Owing to such complexities in sexual behaviour and sexual attraction - sometimes mediated by cultural factors like compulsory heterosexuality and compulsory marriage - some studies like the UNDP and Williams Institute survey did not classify gay men as a separate group but rather conflated them into an 'analytical category' of a unified 'gay/bisexual' group to comprise of men 'who identified with sexual orientation terms (gay or bisexual), but lacked identification to feminine (or third gender) gender identities' (UNDP and Williams Institute, 2014, p.29). Such classification reflect the fluidity of subjectivities and instability of identities in Nepal's socio-cultural context, which might allow for the - at least private - existence of non-normative sexualities. At the same time, the stigma against bisexuality that was palpable during interviews with some activists also indicate that such fluidities or flexibilities might not be as widely accepted by everyone, including those within the broader LGBTI+ community.

Activists interviewed in this study were not specifically asked to state the primary and secondary identity categories they used as was done in the UNDP and Williams Institute (2014) survey. However, some participants used more than one term to identify themselves, or were identified differently by peers compared to what they stated in interviews in this study. Additionally, the English language terms as well as the Nepali identity terms used by participants interviewed exhibited nuances that reflected varied sexual and/or gendered subjectivities. These subjectivities were also found to be influenced by social and class positions of the participants as will be analysed in the sections below. This is particularly prominent in the use of English identity terms like 'gay' and 'transgender woman' in comparison to Nepali identity terms like *meti, dohori* and *natuwa*, as analysed in the sections below.

4.4.1 'Gay', 'Effeminate/feminine gay men', *dohori*

Seven self-identified gay activists were interviewed in this study - both formally and informally - out of which three also identified as queer, and two identified themselves as 'feminine gay'. Only one participant self-identified as *dohori* or one-who-plays-double-

roles. Only one of them self-identified as MSM at the time of the interview while the rest identified other men as such. Those who identified as 'feminine gay', MSM, *dohori* or *natuwa* were associated with BDS and its affiliated CBOs. Those who identified as queer, however, were from the middle or upper-middle class or had lived/travelled outside Nepal - not for labour work like some other participants in the study but rather for studies, holidays or for attending conferences and other events.

In the context of gay socialising in Nepal, evidence from interviews also shows that for those of them with the means, the internet was often their first point of contact with other gay men. The internet became publicly available in Nepal only since 1997 (Montgomery, 2002), so such access was limited to a certain class of gay participants in this study who were in their 30s or were younger. "A significant group of early adopters (of the internet) were returned overseas students who had experience in using e-mail, and had the incentive to keep in touch with friends still overseas. Furthermore, their overseas education put them in the economic class of those who could afford this service." (Montgomery, 2002).

Before the internet, however, men who wanted to have sex with other men in Kathmandu reportedly organised invitation-only parties of their own since the 1980s (personal interview with Activist 36 self-identifying as gay, 16 August 2017). In contrast to the private spaces provided by online chat rooms, private parties or bars, a public bus park - called Ratnapark - became one of the most popular haunts for young Nepali migrant men looking for other men to have sex with. Tamang's 2003 ethnography on men-who-have-sex-with-men (MSMs, discussed in Chapter 5) also makes a class distinction between two broad categories of identifications - the first category of 'self-identified "gay" men who tend to be English educated, middle/middle upper class' who Tamang termed as 'Thamel Gays' signifying the tourist hub of Thamel where these men mainly socialised; and the second category comprising of the 'BDS crowd' whom Tamang equated with the HIV/AIDS category of MSMs who mostly hung out in Ratnapark and had 'boyfriend and clients...predominantly drawn from the working and lower middle class' (Tamang, 2003, pp.228–231). Thamel Gays were reported to explicitly differentiate themselves from the BDS crowd and were either not aware of the categories used in official BDS documents then or rejected them as 'ridiculous' (Tamang, 2003, pp.229–230)[21]. The identity categories Tamang reports as used by her participants amongst the BDS crowd are *meti, dohori, ta/ "real" men* and *hijra* but not 'gay'.

[21] However, Tamang (2003) notes that 'being called "chakkas" and "hijras" were the norm for both the Thamel Gay and BDS members' (Tamang, 2003, p.238, see footnote 33)

However, what is evident from Tamang's study in 2003 is that 'gay' was a commonly used category at least among men of certain social class.

From the accounts of participants in my study, the English language term came into use *before* the Nepali language term for homosexual men, *samalingi purush.* As the participants below recounted,

> "...We had heard that there are 'gays' and *samalingis* in foreign countries...we knew those words but we didn't know the 'exact meaning'. We knew it was about men being attracted to other men but we did not know the 'role'...we did not know in detail about 'LGBTI terms'...
>
> (personal interview with Activist 35 self-identifying as a transgender woman, BDS staff, 14 August 2017)
>
> "We didn't know the word *samalingi* then. We didn't understand it." (personal interview with Activist 37 self-identifying as a transgender woman, BDS staff, 27 August 2017)

As stated at the beginning of this chapter and as shown by the quotes above, terms in the native language to denote a political identity did not exist prior to activism around the rights pertaining to those identities. At the same time, English language terms that are more widely used in the media (and later social media) and in an individual's social circles were more likely to have been familiar to participants, as was also reported by Tamang (2003). In addition to its association with foreignness, 'gay' also signified a person's higher economic and educational status as also shown by Tamang's analysis above. As one participant explained, " 'Gay' is an 'English' word. Those who have studied a bit use the word 'gay. In Europe they say, I am gay. High class boys call themselves 'gay'."

When asked how they came to know of the term 'homosexual', the second respondent from above replied, "We came to know of this from 'educated people'...from people who had already travelled abroad for studies and come back" (personal interview, independent activist, 17 August 2017). From other accounts as well, 'gay' as an identity was associated with foreigners and with middle- or upper-class men. The term had 'travelled' from foreign lands to Nepal. The primary purpose of the term 'gay' for the 'BDS crowd' (Tamang, 2003), then, was to signal one's gayness to foreigners. When 'Westerners' came to cruise, as one participant recounted, the locals cruising in Ratnaprk would introduce themselves as gay.

From among the participants in this study, those associated with BDS instead used the terms 'effeminate (gay) men' or 'feminine (gay) men' when recalling the earliest terms they used for MSMs in Ratnapark. Two participants in this study - both young gay activists - *self-identified* as 'feminine gay' in the present, consciously using this term to articulate their distinctiveness from other gay men. However, others did so in reference to other gay men in the past. Hence it cannot be clearly concluded from the interviews whether these terms were actually used in the past or if they are being used in retrospect. Most of the activists using these terms did not say they labelled themselves as 'effeminate gay men' or 'feminine gay men' in the past. They might have felt so but they did not say they used the specific terms to label themselves. However, it should also be noted that there were other staff members within BDS who simply identified as gay and who were not part of this specific study, but who might have provided more insight. This was not a conscious methodological decision since interviews depended on the availability of participants and often on the visibility of those participants in the spaces frequented by the researcher during her fieldwork.

In addition to using variations of 'gay' for labelling oneself and others, there were also multiple interpretations of what these terms revealed about someone's sexual desires, behaviours and expressions pertaining to sexuality and gender. In terms of sexual desires and behaviours, some understood gay men as only performing 'top' roles during sex while others understood them as performing both 'top' and 'bottom' roles. 'Top' roles or the role of the one who penetrates during sex, are also assigned to men who have sex with other men (MSMs, discussed later) but don't identify as gay. During a personal interview, a transgender activist who works as a part-time staff at a BDS-affiliated community based organisation (CBO) outside Kathmandu distinguished her male partner from gay men because he only played the 'top' role during sex while "'gays' do it and have it done as well" (personal interview with Activist 33 self-identifying as *tesro lingi* and working in BDS-affiliated CBO, 3 August 2017). Within staff members of this CBO who took part in a focus group discussion, there was consistency in what they understood makes a man gay. As another staff member from the same CBO who identified as *meti* (discussed below) explained during a focus group discussion,

> "Gays are the ones who do both top and bottom role...They focus their attention on men...Sometimes we don't know they are gay and we think they are men. They come to touch us and we know they are gay. So they also desire *meti*s…they can be in the police, or in colleges…I know of those in high positions but I don't flash them. They come sometimes." (Participant in a focus group discussion at a BDS-affiliated CBO outside Kathmandu, 1 August 2017)

The participant says they - i.e. the CBO staff members who do their weekly rounds of local cruising sites as part of their HIV/AIDS related outreach work - are sometimes mistaken that the 'gays' are 'men'. Given the common understanding that straight men only penetrate their partner and don't have themselves penetrated, a man's gayness then - according to this interpretation - is determined by whether he is the receiving partner during sex. However, this interpretation differed from that of a staff member from a Kathmandu-based CBO affiliated with BDS. "I don't call myself gay," he explained, "I call myself *dohori*...If they perform both top and bottom roles by turn, then they are a *dohori*" (personal interview with Activist 8 working part-time in a BDS-affiliated CBO in Kathmandu, 11 November 2016). There is also disagreement regarding the object of a gay man's sexual desire. While according to some gay men 'also desire *metis*', others believe that gay men "do not like transgender, TG", as stated by the *dohori* mentioned above.

In terms of self-expressions pertaining to sexuality and gender, participants from the two CBOs affiliated with BDS had the following to say,

> Participant 1: …they look like men, they're handsome, and they have a slight lilt in their voice. They think they are men but we can know by some of their gestures or behaviours. We know. They are of the sexy kind...They are smartly dressed...Gays dress like straight men.
>
> Participant 2: They wear tight clothes, tight vests
>
> Participant 1: They're handsome.
>
> (participants in a focus group discussion at a BDS-affiliated CBO outside Kathmandu, 1 August 2017)
>
> "I cannot be gay. I'm not smart, handsome…I don't have the body…I don't look like a man…like those who wear earrings and who is like a body-builder. Those who walk like Mr Handsome…There are some who think they are gay but they dress up and become pretty at night."
>
> (Activist 8 from a BDS-affiliated CBO inside Kathmandu, 11 November 2016)

Gay men, then, are associated by some with masculinity and not by others. Similarly, they are sometimes associated by some with a degree of effeminacy while at other times, they are not. The consensus among participants, however, is that 'gay' signifies a higher economic and educational status as well as a certain sense of fashion - often markers of modernity in the context of Nepal.

4.4.2 From Meta-Meti to transgender to tesro lingi

Only two participants who were part-time staff members of a BDS-affiliated CBO outside Kathmandu acknowledged that they still use the term *meti* to refer to themselves, especially amongst their group of friends within the organisation. A significantly higher proportion of respondents assigned male at birth had identified as *metis* in the UNDP and Williams Institute (2014) survey - i.e. 92 people out of 1,178. However, this should be considered alongside the fact that the survey included a larger sample of respondents, 80 percent of whom were from outside Kathmandu.

A comparative and etymological dictionary of the Nepali language by Turner (1931) available online and updated in January 2006[22] , and *A Practical dictionary of modern Nepali* published in Delhi, India by Schmidt (1993) which was updated online in June 2005[23] do not include the word *meti, meta* or *ta* in them. An online search using the various ways *meti* has been pronounced and might be spelled in Nepali also yielded no results. This includes pronouncing the words *meti, meta* and *ta* with a soft or a hard 't' sound, and with a long or a short 'e' sounds in case of *meti*. All of these might be written with the same spelling in English but in Nepali, meti with a soft 't' and a short 'e' sound would be written as मेति, मेटि respectively, while the same with a drawn out 'e' sounds would be written as मेती, मेटी. *Meti* with a double 't' sound in Nepali would be written as मेत्ति. Similarly, what is now popularly considered to be the male counterpart to *meti* is the term *meta*. As with meti above, *meta* can be written in Nepali with a single 't' sound as *meta* (i.e मेता with a soft 't' and मेटा with a hard 't'), or with a double 't' sound as *metta* (मेट्टा). According to activists, *ta* (टा, ता) is an abbreviation of *meta/metta*. The 'aa' sound at the end of a word usually refers to the male counterpart in Nepali language (like *keta* or boy, केटा) while the drawn out 'ee' sound with the ी symbol *at the end of the letter* usually refers to the female counterpart (like *keti* or girl, केटी). None of the above mentioned variations of *meti* and *meta* could be found in these dictionaries. The omissions do not mean that these terms are incorrect, nor does this disprove their use and existence. What this does instead is emphasise the marginalisation of indigenous languages and cultures in Nepal's political context, including the lack of

[22] As accessed on 26 July 2019 from https://dsalsrv04.uchicago.edu/dictionaries/turner/
[23] As accessed on 26 July 2019 from https://dsalsrv04.uchicago.edu/dictionaries/schmidt/

visibility of non-normative sexualities and sexual practices, and their continued marginalisation from the mainstream. In the context of this study, it also brings up the important question of how - despite such invisibilisations - have these identities come to be at specific points in time?

While the older staff members of BDS who were associated with the organisation since its establishment acknowledged that they used *meti* to refer to themselves in the early years of their work, there was no identifiable *meti* community in Nepal then as this excerpt from a report by Pant (2002) shows -

> "There is no meti community, or even an MSM community. While there may well be small- scale friendship networks, these are often site-specific and limited, friendships amongst the marginalized, stigmatised and under-privileged." (Pant, 2002, p.9)

Instead, the excerpt below from an interview with one of the first BDS activists sheds light on how cultural factors often come together to consolidate identities in specific contexts, and the fluidity with which identities take shape within the imaginary of those who take up or are assigned those identities.

> KR: So the people you met at Ratnapark…earlier accounts define them as more 'effeminate men', more 'feminine men' but what were the terms used back then?
>
> Participant: *Meta*
>
> KR: *Meta*?
>
> Participant: (We) used to say *meta*. Later, these 'transgenders' – who we call 'transgenders' – they [honorary 'they' or *oohan* in Nepali]…there is a custom of 'feminising grammar'…so if someone is Suraj, they will feminise it to Suraj-a or something that matches. So in the same way, *meta* became *meti* later on.
>
> KR: Ohhh…so it was *meta* in the beginning?
>
> Participant: Yes, *meta*. This was apparently used in Darjeeling…the word *meta*. It's derived from *metta* [with a soft 'ta' sound] in the Pali language but when the Newars pronounced it[24], it became *metta*.
>
> KR: (English) What does it mean – *metta*?

[24] In the Newari language, called Nepal bhasa, spoken by the Newar ethnic groups all over Nepal, the soft 'ta' sound where the tongue touches the teeth are often pronounced as hard, sharp 'ta' when the tongue rolls up to the front and roof of the mouth.

Participant: 'Friendship'…like *mitrata* in Sanskrit…*maitri*, *mitrata*…*metta*

KR: Okay. So it was only used for 'men' then?

Participant: Yes

KR: Because now when I ask people…*meta*… (they say) '*ta*' refers to the male partner and *meti* refers to the feminine partner...

Participant: [sighs, and explains in English] Ah…I think it's…ah…when…yea, it's more of a top partner and bottom partner. [in Nepali] This brings in the matter of 'top' and 'bottom' [in English] but it's only for males. [in Nepali] What kind of relation would we call this? [in English] 'We're just *metta*' (they would say)…[in Nepali] like we say we make *mit* (a close friend)…*meta, maitri, mitrata*…all of these words come from *metta.* Later on, when we had to identify who in particular were these, distinctions were made regarding *ta* or *meta* within the 'community'. [in English] It's like a code word. It was *not* derived from any philosophic concept. [in Nepali] So later on, because of the use of 'ta-ta-ma-ma'[25], a 'language' just 'developed' in Ratnapark…so all that came because of these additions…cha-cha-ma-cha.

[….]

KR: Uh…so…[in Nepali] 'gay' wasn't used then in Ratnapark?

Participant: [in Nepali] Not really. But 'Westerners' would also come to 'cruise' and to them they would say 'gay' [in English]…they call themselves *meta*…then later on become *meti* but when there's a Westerner then they have to identify themselves…[in Nepali] so what they would say is 'I'm gay'. 'Transgender' word was known only *much* later.

(personal interview with Activist 43, 15 April 2018)

The excerpt above shows the everyday transactions involved in the emergence of categories. The participant above refers to those cruising in Ratnapark who exchanged sex with both Nepali and 'Western' men and used different terms to refer to each other, and to communicate their availability to others. According to the excerpt above, different identity categories have been used to refer to this group of people over time - 'effeminate' or 'feminine' men, *meta*, *meti*, gay and later, transgender.

While the participant above attributes the source of the term *meti* to the Sanskrit word *mitrata*, other accounts have described the same term as having been derived from the Nepali term for quenching one's thirst - i.e. *tirkha metne,* where *tirkha* means 'thirst' and *metne*

[25] usually a derogatory mimicry of how the Newars speak with a hard 'ta' sound

means ‘quenche’. A person assigned male at birth who quenches the desires of a man, then, were called *meti* or *meta* according to this account. The implicit reference to sex for the purpose of quencing one’s desire contrasts with sex for procreation, though the latter has not been explicitly stated in such descriptions. From the accounts of other activists and the earliest reports published in collaboration with Pant, *meti* is understood as the receiving partner - i.e. the one who only performs the ‘bottom’ role during sex. However, from these discussions, it is evident that the meanings of terms have changed with time and that they can mean different things to different people. Activists, then, can be seen to be making subjective interpretations as radical acts of reclamation and even invention, using language and culture references as resources.

In its fifth year in 2005, BDS reports still defined *meti* as ‘effeminate homosexual men’ (Pant, 2005). As also evident in the interview excerpt above, *meti* continued to gather more meanings in the subsequent years. In a 2009 co-edited article by Hari Phuyal - the advocate who fought the Supreme Court case on behalf of BDS in 2007 - *metis* are understood by the authors to be synonymous with *kothis* and *hijras* as stated in Boyce and Pant (2001)[26]. More importantly though, what Moscati and Phuyal (2009) add is that all of these categories together form a third gender category. Moscati and Phuyal (2009) go on to then locate the ‘third gender’ into Nepali culture by stating that they are the same as the folk dancers who dance during religious or other ceremonies, referring to the cultural category of *natuwas* (discussed below). The conclusion from this, then, is that the ‘third gender’, ‘meti’ and ‘natuwa’ are different variations of the same category. However, interviews conducted during this study showed that individual participants thought of these categories as distinct from each other even though one person might identify with more than one of these categories.

During the time of the fieldwork for this study, the general understanding was that *meti* is defined in opposition to her male counterpart, *meta*. Within this interpretation, the understanding of what makes one a *meti* starts to overlap with accounts of what makes one a transgender woman. This is evident when taking into account the earlier explanation that those who called themselves *meti* before are the same ones who now call themselves transgender women. All the people interviewed for this study who identified themselves as transgender women were staff members of BDS. All of them also called themselves *tesro*

[26] Phuyal and Moscati cite Narrain and Bhan’s 2005 book - *Because I have a Voice* - to define *kothis* as ‘feminised male identity’ and *hijras* as ‘hermaphrodites, men who have sex-change surgery and men who take female hormones’.

lingi or third gender even though some transgender women outside activist NGOs have expressed their frustration at repeatedly being labelled *tesro lingi* by the media and the general public even though they do not identify with the term. One of those is Rukshana Kapali, a vocal activist who identifies as a transgender woman and critiques the 'gender trinary' as being limiting and exclusionary (Kapali, 2018).

However, BDS activists interviewed in this study have used identity categories with some degree of flexibility. For instance, *metis* - like anyone else - can also identify with more than one identity category either simultaneously or depending on the context they are in. In a personal interview, a part-time staff member in their early 20s employed at the same CBO described how they identify as *tesro lingi*, transgender, *meti* and *kothi* - though the latter two are used only in informal situations as in the case of *hijada* and *chakka* described earlier in this chapter.

> KR: [in Nepali] Hmm, and how would you introduce yourself?
>
> Activist 33: [in Nepali] My introduction?
>
> KR: Meaning when we talk about identity, sexuality, gender…how would you introduce yourself?
>
> Activist 33: Eh…I…like I was born a man but as I grew up, my mannerisms became like that of a girl's. I used to like girl's 'make up', girl's clothes. I used to do 'make up' and wear girl's clothes and dance. These people are called *tesro lingi* that's why I introduce myself as *tesro lingi*.
>
> KR: *Hajur*, *tesro lingi*…do you also call yourself 'transgender'?
>
> Activist 33: *Hajur,* I do
>
> KR: 'Transgender woman' or…just 'transgender'?
>
> Activist 33: I just say 'transgender'
>
> KR: *Hajur,* do you also say *meti*?
>
> Activist 33: *Hajur*, [small laugh] we use *meti, kothi*, everything among friends
>
> KR: Everything? So what is the difference between *meti* and *kothi*?
>
> Activist 33: It's like this…now…umm…in English, it is called 'transgender' but in the Terai (i.e. the plains of Nepal bordering India)...it's called *maugiya* in Tharu language, while in the hills it's called *phulumulu*. Others are *natuwa,*

> *kothi.* Some even call *tesro lingi* bad names like *chhakka, hijada*, and things like that you know…

(personal interview with Activist 33, part-time staff at BDS-affiliated CBO outside Kathmandu, 3 August 2017)

This excerpt shows that at the time of this study, reportedly indigenous terms like *meta, meti, kothi, phulumulu, natuwa* and *maugiya* were all understood as gender- but also sexually-transgressive subjectivities which are all equivalent to each other, and to *tesro lingi*. However, other accounts show that *meta, meti, '*gay' or 'feminine gay' were often conflated in BDS's early years to only signify homosexual men or men who have sex with men. Early reports by Boyce and Pant (2001) and Pant and Boyce (2001) do not mention the terms *maugiya, phulumulu* or *natuwa.* These early accounts also do not mention 'transgender' people at all, nor do they interpret the *meti* as transgender as it was during the time of this study.

According to the participant quoted above, all of the indigenous terms mentioned could be translated into English as 'transgender'. The UNDP and Williams Institute survey also notes *natuwa* and *maugiya* as 'regional variants of *meti*' (UNDP and Williams Institute, 2014, p.18). While *meta, meti, kothi, phulumulu* and *maugiya* could not be found in both of the dictionaries mentioned above, *natuwa* is defined in Turner (1931) as a 'male dancer' or 'actor', but also derisively as 'clown, buffoon'. It was not clear from interviews which cultural context or language each of these terms came from. *Meta* and *meti* are said to have originated in Darjeeling according to activists but also by an academic researcher, Paul Boyce mentioned above. The excerpt above says *maugiya* is used by the Tharus, an indigenous ethnic group residing in the southern plains of Nepal (Regmi, 1978) as well as in northern India (Guneratne, 1998) who have their own language and religious customs. Many of the Tharus were displaced through land appropriation by high-caste Hindus from the hills in the 1950s and 1960s after these lands were made more hospitable through the control of malaria (Gellner, 2007). Tharus continue to be one of the most marginalised groups in the country and it is not surprising to encounter a lack of formal records on Tharu terms like *maugiya*.

Similarly, *phulumulu* is noted by the respondent above to be a term used in the 'hills' while BDS records it as being a term from the 'Himalayas'. There is no indication of whether this is used by a particular ethnic group. As mentioned at the beginning of this section, the indigenous terms from different cultural and linguistic contexts in Nepal have not all been

formally recorded, which highlights the hegemony of Nepali (the dominant language), Hindu (the dominant religion), and hill high-caste groups in Nepal's socio-cultural and political landscape. This is particularly salient when taking into consideration that the indigenous terms mentioned above are all used by activists associated with BDS, many of whom are from ethnic minority groups as shown in the first table. Many of the LGBTI+ NGO employees are also from outside Kathmandu - either living in Kathmandu as internal migrants or living outside Kathmandu - and come from low income families. As recorded elsewhere, migration to a place away from home have allowed for a greater exploration of one's sexuality due to the anonymity afforded to migrants in any city. This partly explains why there might not be many Kathmandu-born and raised queer people working at these LGBTI+ NGOs since that would mean a risk of exposure. However, migration alone is not the distinctive factor of NGO activists. The ethnic diversity of BDS staff members seems to have allowed for the proliferation of various indigenous terms within activist lexicon even though these terms are often subsumed under 'transgender' and merely become 'local' expressions which require no serious engagement in development interventions as Dutta and Roy (2014) point out (discussed in Literature Review).

None of the Kathmandu-based activists who identified as transgender or third gender, including older staff members who identified had identified as *meti* before, do so anymore. It is likely because the term *meti* is closely associated with gender non-conforming people assigned male at birth who are known within their social networks to engage in sex work. This is consistent with the findings from Warmerdam's (2012) study on LGBTI+ activism in Nepal. However, in contrast to the accounts of Kathmandu-based activists interviewed for this study that they do not use *meti* at all, the term seemed to be in use in some cases at least outside Kathmandu. During a focus group discussion with participants at a BDS-affiliated community based organisation outside Kathmandu, one participant began by mentioning that they call each other *meti* but was immediately cut off by the supervisor present in the same meeting. "We say *didi-bahini* (older sister-younger sister) or sometimes *daju-bhai* (older brother-younger brother)," the supervisor said instead, "We don't call ourselves *meti* or others". While the supervisor denied the use of *meti* during the meeting, other participants did not have any issue with the term in individual interactions, whether during the focus group or during personal interviews. "I don't regret being a *meti*," another participant said later during the focus group discussion, "I've learnt a lot about safe sex and about HIV and about our rights...I have made a lot of friends as I worked".

4.4.3 *Natuwa*

नटुवा (p. 334) नटुवा naṭuwā,s. Clown, buffoon; a male dancer. [B. *nāṭuyā*, O. *nāṭuā*, H. *naṭuā* m.; -- ext. of Sk. *nartakaḥ* m. dancer, actor: Pk. *ṇaṭṭaa-* m.; K. *naṭh* m. (lw. Sk. ?); H. P. *nāṭā* m. dwarf; L. *naṭṭ* m. acrobat; S. *naṭu* m. juggler, knave; Sgh. *naṭu* dancer. -- See also *nācnu*.] (?) नटेउरो **naṭeuro**, s. A little ball of dried vegetables rolled up for keeping. (Turner, 1931, Dictionary)

Three people who were affiliated with a field office of BDS and who identified as tesro lingi called themselves *natuwa* (traditional male dancer who dresses as a woman). They were feminine presenting when dressed to dance as women in their respective performance groups but otherwise dressed in 'men's clothes' though their long hair distinguished them from other men. *Natuwas* are described in the following excerpt from the same focus group discussion mentioned above,

> KR: Are *natuwas* organised in a group?
>
> Participant 1: It is a profession. Natuwas are born as boys but if they show any feminine behaviour, everyone wonders if they will become a natuwa and dance…We've been dancing in our culture for ages. We have a *dhami nach* (dance of traditional healers), *deuta nach* (dance of the gods). Not everyone can become a natuwa. A god has to choose you. *Natweshori mata* (the female goddess of dance) needs to inhabit your body for you to become a *natuwa*.If she resides in you, you only want to dance and you want to wear women's clothes. If someone in your family is a *natuwa*, you might be chosen as one as well. But not everyone becomes a *natuwa*. This culture still persists in Siraha and Saptari...There is only one *natuwa* in each group traditionally, while others play different instruments or sing. They enact stories about gods. No one can become a *natuwa* without the goddess entering your body. One becomes a *natuwa* for their entire life. A *natuwa* can marry as well.
>
> Participant 2: Do *natuwas* fall under the third gender?
>
> Participant 1: Yes, of course. But not all *natuwas* are *tesro lingi* and vice versa
>
> KR: What makes one tesro lingi?
>
> Participant 1: Someone who is biologically male but then doesn't want to live as a man anymore but rather as a woman.
>
> (joint interview with Activists 31 and 32 who self-identified as *natuwa*, part-time staff at BDS-affiliated CBO outside Kathmandu, 3 August 2017)

Natuwas, then, lived as men and performed the duties of a man within the household. If they engaged in sex with other men, they would also be referred to as tesro lingi. If they did not, they would only be called natuwa.All of the *natuwas* interviewed had wives and children at home, but also male lovers who might also be their *gurus* (teacher). It was at first confusing to me when they said they had 'only one male partner' but also seemed to be indicating that they had had multiple lovers. A joint interview with two natuwas and an individual interview with another natuwa revealed that the ones they referred to as their 'partner' was someone with whom they had been in a relationship for decades. The older *natuwas* in the joint interview also referred to these men as their gurus and expressed profound love for them without directly saying that they might have had sexual relations with them. The younger *natuwa* in another interview, however, admitted that he had one stable partner since a long time [MW1] who he had convinced to marry a woman, though they both continued their romantic and sexual relationship. However, it is not uncommon for *natuwas* to have multiple male lovers especially when they were young. BDS staff, then, had rightly identified them as risk groups for their HIV/AIDS intervention programme. All the *metis*, *natuwas* and transgender women were recruited by BDS field offices as peer educators and community outreach workers[27].

4.5 Conclusion

In this chapter, I have analysed how individual LGBTI+ identity categories in Nepal are related to NGO activism, answering one of the key research questions laid out in Chapter 1. I have done so by analysing how individual activists in the study self-identified during the time of the study, how they self-identified in the past, the shifting meanings assigned to these identities over the course of time, and how this might relate to the three different NGOs in this study - the Blue Diamond Society, Mitini Nepal and Inclusive Forum Nepal.

I discuss how activists simultaneously identify with a range of terms to signify sexual attraction or behaviour, gender expression or gender identity - all of which can be fluid across time and space. This finding adds to previous literature on sexual and gender identities in Nepal like those by Boyce and Coyle (2013) and the UNDP and Williams Institute (2014).

[27] 'Outreach' workers are more recently called 'in-reach' workers as the funding stream moved from UNDP to the Global Fund

However, I extend these analyses by showing how identities are marked by class, social and ethnic locations of individual activists, whereby English language terms like ‘gay’ and ‘lesbian’ are seen to be generally used by and for more urbane, educated activists. This stands in contrast to those who use identity terms in different languages spoken in the country (e.g. *meti, phulumulu, natuwa, maugiya*). These terms that vary depending on the cultural context of those using them highlight how indigenous terms have proliferated activist lexicon in Nepal. This is not surprising since a significant proportion of LGBTI+ activists come from historically, socially and economically marginalised indigenous groups of Nepal. However, this ethnic aspect of activist identities has been overlooked by studies on Nepali LGBTI+ activism and identities. The prominence of ethnic minority activists is also significant in the context of Nepali LGBTI+ activism precisely because terms in indigenous languages have been rendered secondary and mere ‘local’ expressions of a broad umbrella category (Dutta and Roy, 2014) of *tesro lingi* (third gender) - derived from Hindu mythology in Nepal’s case - which has been equated to the English term of ‘transgender’.

Importantly, my analyses also contribute to existing literature through the deliberate inclusion of two lesbian organisations - or LBT organisations, as defined by their founding members - in this study. With a few exceptions by Huston (2014), CREA (2012), AWID (2012) and WOREC (2012), these LBT organisations have mostly remained excluded from studies conducted by donors, women’s rights organisations, and (inter)national feminist and queer researchers. In contrast, my study and this chapter in particular analyses terms of self-identification from almost equal numbers of activists assigned male at birth and those assigned female at birth, which is a departure from earlier studies in the context of Nepal. In this chapter, I have analysed in greater detail the terms of self-identification used by those activists assigned female at birth, thus leading to a record of a wider range of terms within this group of people than that identified in the UNDP and Williams Institute (2014) survey of over 1,000 participants. This balance has been significant in foregrounding a more nuanced understanding of terms and what they say about the relationship between identities and organisational affiliations.

Through an analysis of identity terms used by activists affiliated to three independent organisations including those that worked independently, I have shown how *tesro lingi* or third gender has come to be an organisational identity for BDS rather than a collective movement identity as it is made out to be by national and international media, and by scholarly and grey literature on the subject in Nepal. Activists not employed by BDS were

not found to self-identify as *tesro lingi* or third gender. In contrast, all those who self-identified as *tesro lingi* or third gender - whether they were assigned male or female at birth - were employed by BDS. BDS activists were also more comfortable with describing what *tesro lingi* or transgender means for them than activists affiliated with the other two LBT organisations. Moreover, a number of activists also confirmed that they had only heard of the term after having come in contact with BDS. This clearly shows that *tesro lingi* or third gender is an organisational identity that - at the time of this study - was used as a term of self-identification exclusively by those activists who were employed by BDS as full- or part-time staff members. This fact is often overlooked in existing literature which is based on studies on only organisation, BDS, and its network of sexual and gender non-conforming people.

Additionally, I also show how terms of self-identification have changed over the years of activism, and how NGOs like BDS have been central in this process of consolidation and change. While Boyce and Coyle's (2013) study briefly mentions the central role played by NGOs in identity formation, their study does not elaborate much on this. This chapter extends their analysis by tracing the shifting interpretations of terms like *meti* but also its changing form from *hijra,* 'effeminate/feminine men' and *meta* in the earliest days of cruising in Ratnapark and research reports developed as part of the process of bidding for donor funding, to 'transgender' and *tesro lingi* after a successful Supreme Court petition in 2007. These later terms of identification have rendered other indigenous terms as more provincial so much so that activists have stopped using these terms of self-identification at least in formal settings.

The ways in which LGBTI+ identity categories have come into use in Nepal is similar to how politicised queer identity categories have been used in India since the late 1990s, which firmly situated queer mobilisation within 'global' gay rights activism. It was only later that postcolonial endeavours were made to reclaim a queer history from a pre-colonial past in India (Kapur, 2000b), in retaliation to nationalist and religious claims that queer identities are a Western import. In contrast to the conflict between traditional and modern values that have played out in these debates, this chapter calls for a more hybrid strategy to analyse queer identity formation and consolidation as adopted by Jackson (2009) in the context of Thailand. Within this approach, queer identity categories are neither seen as completely Western, nor as completely 'local' or indigenous. Rather, they are seen to be the result of radical acts of reclamation - and sometimes invention - within the process of activism, even

while acknowledging that these processes can marginalise some more than others. Such marginalisation is often exacerbated by the resource networks that activist NGOs are embedded in, as will be discussed in the next two chapters. By doing so, these chapters together call for a closer attention to the role of NGOs and their resource networks within analyses of new social movements where collective identities play a central role in collective mobilisation. More specifically, they call for a closer investigation of the crucial role that transnational resources and networks played on identity politics and resource distribution within resource poor setting like Nepal.

Chapter 5: HIV/AIDS resources, organisational formation and consolidation of collective identities

5.1 Introduction

Chapter 5 and 6 together focus more directly in answering the main research question: How have activism and identifications around sexual orientation and gender identity in Nepal been shaped by transnational resources and global LGBTI+ identities? As discussed before, there are two distinctive resource pools for work pertaining to LGBTI+ activism - public health related funding and human rights funding. This chapter specifically focuses on the first pool of resources available for public health funding, more specifically for HIV/AIDS intervention work in relation to LGBTI+ organising. The chapter thus focuses on answering the second sub-question of this thesis: What is the relationship of HIV/AIDS-related resources to the consolidation of collective identities and the emergence of LGBTI+ movement in Nepal? As stated before, the LGBTI+ movement in Nepal emerged alongside the establishment of the Blue Diamond Society (BDS) in 2001.

In this chapter, I discuss how HIV/AIDS-related resources and networks have led to BDS's establishment and expansion. By analysing the relationship between BDS and its HIV/AIDS resources and networks, I argue that various kinds of resources (including financial, technical and moral) have helped the movement in Nepal take off, central to which is the role of social networks in facilitating access to such resources. Additionally, I argue that while transnational resources and networks have helped the movement in Nepal take off, they have also circumscribed how local activists agentively frame their own identities and agendas.

Furthermore, I will show how these networks and resources continue to help BDS occupy a central role within the movement as the go-to organisation for LGBTI+ rights, hence cementing its legitimacy and visibility as the only organisation working on the same in Nepal. Among the NGOs in this study, HIV/AIDS-related resources are only accessible to BDS since it the only one that works with MSMs. Although global 'LGBTI' funding in Asia and the Pacific - as in the rest of the Global South and East[1]- reportedly focuses mostly on transgender people[2] (Global Resources Report 2018, p.38), data on such funding do not clarify if separate funding is allocated for LGB people, nor how funding might disporportionately focus on limited issues addressing some sub-groups of transgender people

over others. The 'transgender' or 'third gender' population that has been the focus of most funding in Nepal has mainly comprised of those some in the west would perceive as transgender women, or who could be better conceived here as simply those gender non-conforming people assigned male at birth – whether or not they identify as transgender or as third gender. A UNDP report on the Nepali LGBTI+ movement corroborates that "the HIV and health emphasis has primarily strengthened transgender female and gay male leadership in the burgeoning LGBT rights movement" (UNDP and Williams Institute, 2014, p.57). In Nepal's case, these discrepancies in resource access have resulted in contestations over recognition of identities.

In order to analyse the relationship between organisational emergence and expansion, and resources and networks available for such work, I will loosely borrow from Edwards and McCarthy's (2004) analytical framework on resource exchange relationships which pays attention to not only a wider range of resources available to social movement organisations than traditionally discussed within resource mobilisation theories; but also takes a close look at the means of access to these resources. Adopting such a relational approach to social justice movements - as opposed to only considering social movements from a resource mobilisation or a political opportunities or a cultural approach - gives a deeper and more holistic insight into why social movements or NGOs that are part of these movements take the forms that they do.

The resources that are of most significance to LGBTI+ NGOs in Nepal including BDS are their professional networks with allies (i.e. other activists, international donors, government bodies, and civil society organisations), and the financial, technical, and moral resources (Edwards and McCarthy, 2004) that come with these alliances. For the purpose of this study, as explained in Chapter 2, financial resources have been conceptualised as any monetary resources that might cover overhead costs as well as costs to run programmes, projects and one-off events. Technical resources, on the other hand, include information, expertise and training provided while moral resources include the solidarity support and legitimacy provided by external sources. Finally, social networks are the relationships between individuals and representatives of institutions which facilitate social exchange, exchange of all the above types of resources, as well as opportunities for collaboration.

Additionally, this chapter also requires careful consideration of the role of economic, cultural and social capital (Bourdieu, 1986) of the founder of BDS - Sunil Babu Pant - in kick starting an LGBTI+ movement in the country from the resources available to him. Bourdieu (1986)

conceptualises economic capital (p.16) as monetary resources and cultural capital (pp.17-21) as the embodied, objectified and institutionalised capital acquired through one's social position in society, or inculcated via education. Similarly, he defines social capital as follows:

> 'Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition – or in other words, to membership in a group – which provides each of its members with the backing of the collectivity-owned capital, a 'credential' which entitles them to credit, in the various senses of the word.' (Bourdieu 1986, p.21)

Bourdieu emphasises that social capital is never independent of economic and cultural capital. Colemans (1988) provides another important element to the analysis of social capital - i.e. he defines social capital as the common norms and values held by individuals and groups within a particular social context which *facilitate action* (as cited in Edwards and Foley 1998, emphasis added). In other words, it is a socially embedded or context-specific and value neutral resource that facilitates action in some contexts while not in others (as cited in Edwards and Foley, 1998, p.13). Therefore, social capital - according to Coleman - does not reside in an individual but instead exists in the relations between individuals and groups. These considerations are brought together in the context of this study to argue that from amongst all the activists formally engaged in the LGBTI+ movement in Nepal, only Pant had the capital required to instigate that kind of social movement. This was facilitated by his social position particularly along the lines of class, gender, caste and educational status, as will be discussed in a section further below.

Here, it is important to note that I refer to Bourdieu's conceptualisation of capitals only in relation to individual activist leaders like Pant to emphasise their privileged location in comparison to other activists. While the definition of social capital is similar to the definition of social networks discussed in Chapter 2 earlier, it is more helpful to delve into specific literature on social networks in the context of social movement activism as carried out by organisations like BDS. Since my study focuses on analyses of resources accessible to NGOs and the means of access to such resources, it is helpful to retain the definitional and analytical approaches from within social movement studies.

In terms of overall analysis of resources and resource pools, it is important to note that resources cannot always be neatly divided into HIV/AIDS-based resources and human rights-based resources. As will be shown, individual allies within HIV/AIDS work often

provide important support for furthering LGBTI+ rights in Nepal, sometimes going beyond the mandate of their official positions within their organisations. These allies often identify as LGBTI+/queer and/or have worked as a close ally through their work within the field of HIV/AIDS. As will be shown in this chapter, allies who exclusively act as donors like the Global Fund or FHI/USAID have a more professional relationship with BDS, preferring to pay more attention to providing technical - as opposed to activist - support. In this chapter, I analyse the relationship between BDS and some of its major HIV/AIDS allies as identified during interviews with activists, and the available data from organizational reports and online sources. An analysis of the relationships between social movement organisations like BDS - registered as a non-government organisation (NGO) - and their allies highlight how they might actively rely on alternative centres of power for movement emergence, growth and sustenance. These relationships, in turn, directly or indirectly shape movement trajectories in low-income countries like Nepal.

Outline

The rest of the chapter is organised into the following sections. The first section discusses the role of HIV/AIDS related resources and networks in Blue Diamond Society's formation and expansion. It mainly focuses on the analysis of three factors arranged in a chronological order starting from informal mobilisation in the year 2000 to BDS's expansion in 2006. The first part analyses the role of Pant's economic, cultural and social capital in collective mobilisation right before BDS was formally registered in 2001; the second part analyses Pant's - and as an extension, BDS's - utilisation of transnational financial, technical and moral resources for BDS's establishement and expansion; while the third part analyses the utilisation of regional and transnational HIV/AIDS networks in BDS's organisational development. These three parts together emphasise the argument presented earlier that various kinds of resources have helped the movement in Nepal take off, central to which is the role of networks in facilitating access to such resources.

The second section of this chapter then goes on to present an analysis of the consolidation of collective identities - particularly MSM and *meti* - within the national and regional context of interventions on HIV/AIDS. This section highlights how subjectivities themselves were being created in this process due to the registers set up by global HIV/AIDS intervention programmes (Seckinelgin, 2012), where certain categories were appropriated into collective mobilisation while others were denied.

The final section of the chapter illustrates the point made earlier that resources cannot always be neatly divided into HIV/AIDS-based resources and human rights-based resources. As shown in this chapter, individual allies involved in HIV/AIDS work either as activists, staff members of partner organisations or researchers often provided important support for furthering LGBTI+ rights in Nepal, sometimes going beyond the mandate of their official positions within their organisations. In doing this, the overall chapter concludes by highlighting how resources and networks are concentrated on this one LGBTI+ organisation in Nepal through the presentation of some figures and tables comparing available data on financial resources and networks of allies for all of the three LGBTI+ organisations. These figures will also inform analysis in Chapters 5 and 6.

By presenting an analysis of the resources that BDS's HIV/AIDS networks provide for its rights-based work, I argue that transnational networks - especially those already embedded in LGBTI+ rights work - provide valuable resources that go beyond HIV/AIDS service provision. These transnational HIV/AIDS networks have provided crucial technical, moral and - to some extent - financial resources for the advocacy of LGBTI+ rights. However, as I will further argue, access to such networks are exclusive and are mediated by already existing networks, in this case BDS's HIV/AIDS networks. Because of this, such social networks provide considerable resources to those organisations already embedded within the same networks, while continuing to turn a blind eye to other organisations that have not been admitted into such relationships like in the case of lesbian or gay rights organisations independent of BDS.

5.2 HIV/AIDS resources and networks in the Blue Diamond Society's formation and expansion

This section of the chapter discusses the role of HIV/AIDS related resources and networks in Blue Diamond Society's formation and expansion. It does so in three sub-sections. The first sub-section analyses the role of Pant's economic, cultural and social capital in collective mobilisation right before BDS was formally registered in 2001. Since this mobilisation was mainly driven by BDS's founder, Sunil Babu Pant, this sub-section mainly focuses on his interactions with various national and transnational actors in attempts to collect financial, moral and human resources for BDS's formation. The human resources for Pant then mainly included the *metis* cruising Ratnapark as introduced in Chapter 4. Transnational allies included gay activists outside Nepal, and international organisations working on HIV/AIDS

that were based in Kathmandu - particularly the United Nations Joint Programme on HIV/AIDS (UNAIDS) and the United States Agency for International Development or USAID-funded Family Health International (FHI).

Following from this, the second sub-section analyses how Pant utilised transnational financial, technical and moral resources for BDS's establishement and expansion. This sub-section shows that while UNAIDS and USAID/FHI continued to work with BDS, BDS's relationship with the Naz Foundation International in India (NFI from hereon) laid the foundation for its organisational development while further HIV/AIDS funding in 2006 from the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund from hereon) - then managed by the UK government's Department for International Development (DFID) as the Principal Recipient of the Global Fund for Nepal - helped it rapidly expand to districts outside Kathmandu. The third sub-section then analyses the utilisation of regional and transnational HIV/AIDS networks in BDS's organisational development.

5.2.1 The role of Pant's economic, cultural and social capital in collective mobilisation before organisational formation

Sunil Babu Pant is widely recognised at national and international forums as the founder of the first LGBTI+ organisation in Nepal, BDS, and the person who 'ignited a queer rights movement' in the country (Knight, 2014). He is also often introduced as the first openly gay Member of Parliament in Asia, and is admired for his relentless advocacy as the head of BDS. This section analyses the role of Pant's cultural capital and his ties with transnational networks of allies within and outside Nepal - ties facilitated in part by his social capital - in collective mobilisation. This analysis focuses on the period between Pant's initiation into gay rights activism around 1997 and the process of formally registering BDS in 2001. Following on from Edwards and Foley (1998) that access to any form of capital is determined by an individual's social position along the lines of class, caste, ethnicity or gender, this chapter shows that it was not possible for the *metis* to have 'ignited a queer rights movement' in Nepal as Knight (2014) writes of Pant. Instead, I argue that it was Pant who was able to ignite this movement because of the kinds of capital he had and was able to develop. Furthermore, I argue that this was also because of the exclusive nature of resources

that had to be mobilised for the movement which the *metis* could never have accessed on their own.

In previous writings on Pant and the LGBTI+ movement in Nepal, Pant is often introduced as a young, 'unemployed computer engineering graduate' (Knight, 2015a) who had just returned from Belarus and who started out with distributing condoms in one of Kathmandu's cruising sites, Ratnapark. He reached unprecedented heights (Knight, 2015) soon after through the establishment of BDS in 2001 and through his election into the parliament in 2008. However, these accounts do not emphasise that Pant already came with considerably more capital (economic, human, cultural and to some extent, social) when he started his work in Ratnapark as will be explained throughout this section. These - along with his singular drive towards political mobilisation - led to him pioneering a movement for the rights of LGBTI+ people in the country.

As already discussed in Chapter 2 on Literature Review, Pant belonged to the traditional ruling class in Nepal (Knight, 2015) - i.e. he came from a high-caste Hindu Brahmin family from the middle hills with Nepali as his mother tongue, which is the official language from among 92 languages as identified by a national census report in 2001 (CBS, 2001). From his own accounts during an interview for this study, he had also studied in Belarus from 1992, and had spent time in other places outside Nepal between this and his return in 1999. Foreign education in Nepal was - and still is - a privilege few can afford. After he finished his computer engineering course in Belarus, he spent three months in Japan in 1997 with his brother (also noted in Pant, 2016). All of these accounts point to Pant's social, human and economic capital that marked him as the privileged few in Nepal.

According to his own accounts in the interview for this study, Pant's short stay in Japan became the foundation through which he was able to acquire the kind of cultural and social capital required to be part of what Altman (1997) has called the 'global gay'. It was in Japan that Pant came to know more about homosexuality and gay rights activism, which would later prove to be crucial as cultural and social capital within the specific context of 'global' LGBTI+ activism. Recounting his time there, Pant says in the interview for this study,

> "I found a 'gay area' and I would go there every day. It was pleasant in a way…a nice culture shock. Like, this also exists? For 'gays'?...It was hugely commercialized…the places I encountered…there were book shops and clubs, discos, shops for gay people like in London's Soho. I met more Americans than Japanese…it was easier for me to socialise with them because of the language. So I knew these things mostly from them. They would tell me to read this and

> that...it was a great help…I studied different things…a little about international law…from Stonewall to…you know that movement…so that was a *great* inspiration. And…uh…in which countries was homosexuality legal, in which was it illegal…LGBT rights movement which was mostly in the West…and it had just entered South Africa's constitution so (I read) about how it came there. I was able to read a bit about it. But *more* through conversation in Japan.

Prior to this visit to Japan, Pant had heard of the Russian term *homosexualis* (meaning homosexual) during his stay in Belarus, but homosexuality was illegal in the country and he did not have access to gay communities there, nor was he able to explore his own sexuality. He had not heard of any of these terms growing up in a small village in the rural district of Gorkha (Pant, 2016) , nor during his two years of college life in Kathmandu – the capital city - before he left for Belarus. From his accounts during the interview for this study, he was too young and naïve then to know about the existence of social groups of men who had sex with other men. As a young migrant to the capital city, it is likely that his outsider status in Kathmandu further reinforced his alienation from the social circles of *metis* who cruised in Ratnapark, as well as the elite gay men in Thamel. From his own accounts and from those of other activists interviewed for this study who grew up in Kathmandu, such loose, informal groups already existed within the capital city though these were mostly covert with access facilitated solely through social networks. As an old-time activist who was one of the first board members of BDS recalled during an interview for this study,

> "Back then people were very 'hidden'. There were small 'groups' of 'homosexual males'. Friends would meet each other in 'close rooms' and 'party'…meet 'partners'. […] Groups were usually of 10-15 people. But those within one group would be scared about those in another group recognising them. […] As far as I can recall, I think there were 4-5 such groups and they did not meet each other, did not socialise together or disclose (themselves) to each other."
>
> (personal interview, Activist 36, 16 August 2017).

Similarly, another independent activist who was introduced to such groups by the activist quoted above recounted,

> "Activist 9: There was a disco bar called Page Three in Dubar Marg. We used to go to these clubs and discos. I used to go every Friday for fun […] I was 13 or 14 […] We used to go with our circle of friends […] I was gay myself. So these people used to go to these clubs […]
>
> KR: So how did this group form…the group that went to the disco?

> Activist 9: Well, like I said, I had met X *didi* (translated as sister, referring to Activist 34 above) […] and Y then…they were older than me. They were around 21, some were 25 or 30. Some of them came from Baneshwor and we had a gathering on Fridays and we used to have fun […] My family wouldn't allow me to go outside so frequently but we knew each other. There was no mobile phone then. There were landline phones and we used to use landline phones at home to arrange gatherings."
>
> (personal interview, Activist 9, independent gay rights organisation, 11 November 2016)

The activists quoted above were part of elite gay circles in Kathmandu that Tamang (2003) notes as comprising of the 'Thamel gays' who were mostly from middle- and upper middle-class families with homes in Kathmandu, were educated and English-speaking and mostly limited themselves to socialising in elite spaces like discos, bars, cafes and restaurant[28]. Even though the two activists quoted seem to be an exception, many others like them were limited to closed gatherings and were careful about not disclosing themselves to outsiders, including gay men from other groups. As Activist 36 quoted above further explained, this was because they believed such disclosure would make life difficult for them in their society. These social groups mostly remained covert and apolitical.

Albeit from an elite caste group and a socially and politically privileged family, Pant had grown up and received basic schooling in a village outside Kathmandu (Pant, 2016). Even if he had come across these elite closed groups by chance – which might have been difficult for a new, young migrant from a rural area in the first place – he would still have been seen as an outsider by these 'Thamel gays'. Not having access to such social networks during his short stay in Kathmandu would partly explain his lack of exposure to the languages and practices of gay socialisation, including a firm self-association with a homosexual identity.

As discussed in Chapter 4, only foreign-educated men and men who had access to the internet from the late 1990s in Nepal knew of English terms like 'gay' and 'homosexual'. Pant's introduction to gay socialising and organising, then, came exclusively from transnational circuits of knowledge he encountered during his stay in Japan. Having begun to identify as a homosexual man in a conservative Belarus, it was only in Japan that he was able to explore a gay subculture where was introduced to gay rights organising across the world, eventually providing him the opportunity to be a part of what was increasingly being seen as a 'global' gay rights movement. Following this logic, those who could not access

[28] However, from further accounts by these activists, it is also likely that some gay men occupied both spaces – i.e. the elite spaces in Thamel as well as the public parks which were the cruising sites for working class gay men.

these transnational spaces and networks yet because they either could not or had not travelled outside Nepal - like the mostly working-class *metis* in Ratnapark – also could not have been part of this 'global' gay movement.

Following Adler and Kwon's (2002) conceptual framework for social capital, Pant's brief stint in Japan provided him *all* three sources required to 'activate' social capital - first, he had the *opportunity* to develop his ties to networks of other gay men; second, he had the *motivation* to develop these ties given his emerging homosexual identity but also the more open environment he was able to access compared to Belarus or Nepal; and third, he had the *ability* to think beyond himself as shown by his interest in reading about gay rights activism around the world. Two years later in 1999, he met other gay men while volunteering in Odisha, India after a cyclone. All of these laid the path for Pant's activism when he returned to Nepal soon after. However, it was that one tie with a fellow volunteer in India which he 'activated' (Adler and Kwon, 2002) that led to his accumulation of additional social capital but also many other resources in the course of his work.

During the interview for this study, Pant recounts that he contacted this unnamed friend upon his return to Nepal when he began trying to mobilise those whom he refers to as 'feminine gay' men in Ratnapark. The friend led him to George Carter, then a well-known gay activist associated with the AIDS Coalition to Unleash Power (ACT UP) in New York[29], founded in 1987 to advocate for AIDS medications. By the mid-1990s when the national movement against AIDS in the United States declined, ACT UP had turned towards the fight for affordable medications in the United States but also more concertedly in sub-Saharan Africa (Zafir, 2019). Once Pant had emailed Carter about his work in Ratnapark, Carter reportedly offered to send him a couple boxes of condoms and lubricants every month to distribute and sent him leaflets on HIV/AIDS that Pant translated into Nepali, photocopied them and distributed alongside the condoms. This is also recorded in Pant (2016, p.5) albeit only briefly. While condoms were more freely available in Kathmandu then, lubricants were not in the market yet. "I was the only source of lubricants," Pant recounts in the interview for this study, "So they would kind of wait for me in parks or in the Pashupati area...different areas...Bishal Bazar...public places." This reportedly gained him the affectionate title of 'Condom *dai*' or 'Condom brother' among those cruising in Ratnapark. As was the case with ACT UP and its chapters outside of the United States, links between gay AIDS activists like

[29] ACT UP was formed in March 1987 after the first cases of AIDS were identified among gay men in the United Sates. The group advocated for quick and affordable access to AIDS treatments (Cohen 1998).

Carter and later others were forged through informal national and transnational connections (Zafir, 2019). Information as well as materials to check the spread of the epidemic among whom they saw as belonging to their community - i.e. gay men or men who had sex with other men - were provided by activists from the Global North to those in the Global South.

Like the ACT UP activists who did not limit their criticisms to AIDS, Pant's emerging advocacy centralised issues of dignity, non-discrimination and non-exploitation of *metis* right from the beginning, although he did not adopt the confrontational tactics of ACT UP activists. As shown in the excerpt below, his position of relative privilege in comparison to the cruising *metis* of Ratnapark gave him the required advantage. As a high-caste, cisgender man, Pant was aware that in a society where caste and gender hierarchies play a substantive role in exerting influence, a show of aggression would be counter-productive. As he recalls during the interview for this study,

> Pant: [in Nepali] I also used to talk about 'rights' and say that we need to unify. There would be cases of 'violence'. The police used to come there. So I used to 'tackle' them as well…tell them they shouldn't do this. This built a 'sense of trust'. We met almost every day.
>
> KR: [in Nepali] So the police didn't do anything to you?
>
> Pant: [in English] Not to me because first, I wasn't there for any 'sexual contact'…there was no chance I could fall into their trap, right. (The police) used to 'trap'. [in Nepali] Plus, in some way it was 'obvious'…I don't know what there was…sometimes one's 'feature', 'language' or even name can make a difference in Nepal. Maybe it was that as well. [in English] So they didn't give me any problem and when I went and intervened, it would make things easier for others as well. [in Nepali] Many wouldn't be able to speak, they would be scared. The police used to tell, 'They are like this, *hajur*, *chhakka*' so I used to say, 'What's wrong with that? Why is it a problem for you? They've not stolen anything. Where is the 'crime' here? Can you show me that it's a 'crime' to be a *chhakka* according to the 'law'?' I used to question them and they became… [in English] 'Oh my god'. [in Nepali] You know…the *metis* felt like, 'Oh yes, it's not a problem to be a *chakka*, or a *tesro lingi* or of *tritiya prakriti* (third nature)...it's not a problem. Not just a problem but it's not a 'crime'…they've been deceiving us.' I would instead tell the police that whatever *they* are doing is a 'crime'…deceiving them is a 'crime'. I asked them to show me the 'law'. [in English] I had basically studied the law by then…internationally…and (I knew) a few words. I had spent three months in Japan just like that and it was a great help…I studied different things…a little about international law…

As illustrated in the quote above, Pant stood out in the crowd at Ratnapark. He was not in the cruising site for 'sexual contact' and his 'features', 'language' and 'name' had made that 'obvious'. Pant's surname immediately signals his high-caste family background while the

way he challenged the policemen with an invocation of international law as well as his purported knowledge of Nepali law projected him as someone the police could not mess with. His self-presentation as a cisgender man and his social status as a high-caste, educated man helped him assert his superior position over the police officers, while his projection of knowledge about the outside world helped him get away with shaming the officers. While Pant had the cultural capital required to project a superior position and not get arrested by the police for being in Ratnapark, the *metis* or 'feminine gay men' did not have such capital. Instead, the mostly working class, non-English-speaking, migrant and 'effeminate' group of men were seen as someone the police could harass.

By the time Pant decided to formally organise this group of *metis*, he had a clear idea that he would work on gay rights alongside HIV/AIDS intervention work. Pant found it easier to mobilise those cruising in Ratnapark who could not always afford to socialise in the same space as the more affluent and educated 'Thamel gays' (Tamang 2003, discussed in Chapter 4), many of whom Pant found uninterested in political mobilisation. Pant explains of the 'Thamel gays' in the interview for this study, "[in English] They were not bothered about violence, issues of 'rights'. [in Nepali] They were happy if they were able to 'socialise' and do 'safe cruising'." This also meant that Pant could not rely on personal monetary donations or time commitment from other middle-/upper-middle class gay men like him in order to spearhead a political movement[30].

Given Pant's slowly expanding transnational network of gay allies and the reluctance of Nepali middle-class gay men in organising for a political movement - as also recorded in Tamang (2003) - it is not surprising that Pant sought assistance from transnational networks and other expat friends in Nepal. Once he set up a group of volunteers made up of the Ratnapark 'feminine gays', he was immediately able to garner support from friends at the American Peace Corps office in Kathmandu. According to him the Peace Corps volunteers offered him use of their organisational space and other material resources in running introductory workshops on HIV/AIDS for his group of volunteers. This seems to have been a one-off alliance between the Peace Corps and Pant since no further support was noted in his or any other interviews. However, Pant acknowledged during the interview for this study that connections like these with international allies based in Kathmandu - which eventually led to organisational collaborations - helped him get the attention he required for his work.

[30] Though a few of them like Activist 9 and 34 quoted above did comprise of the earliest group of volunteers for BDS. Tamang (2003) also notes how some gay men covertly donated money for this early organising.

During this early phase of mobilisation, one prominent example of the significance of such networks and the kind of social capital Pant had access to is evident in how he was able to garner support from the recently established office of the UNAIDS. As he explained during the interview,

> "The first time I went to UNAIDS…I first went to the UN (Office) and they sort of…you know, rumours spread within the UN and the expat community…they are *very* close. So they had apparently heard such-and-such (issue) had come up and that this was also much needed in Nepal…that a very 'promising' person had come who they needed to 'support'."

Through expat circles which often tend to socialize amongst themselves (Harper, 2011),word spread quickly about Pant's 'nascent' (Boyce and Pant, 2001) organisation working with those that HIV/AIDS professionals classified as MSMs. UNAIDS' global work had recently received a boost through a UN General Assembly Special Session that unanimously endorsed a Declaration of Commitment on HIV/AIDS in January 2001 after consistent advocacy by HIV/AIDS activists (Maluwa et al., 2002). A new UNAIDS office set up in Kathmandu the same year had a mandate to draw the national government's attention to the growing epidemic. The Nepal office of UNAIDS was then managed by only two staff members - Michael Hahn and Jacqueline Bryld (Nepali Times, 9-15 August 2000). UNAIDS's Nepal office, then, was building its own professional network in order to carry out its mandate. As explained in Chapter 2, the UNAIDS office – but also any other international organisation claiming to work for 'at-risk' or 'key' populations – does not work with individuals but instead works with organisations who represent the affected individuals. There were no organisations working on MSMs then and no data on this group was available. The only way this group could be proven to formally exist as a risk-group in Nepal and work initiated on their behalf was through an organisation representing MSMs. Pant, then, was the only person who seemed to be knowledgeable about this group of people and demonstrate to some extent that he was capable of mobilising representatives from the group who would be willing to work on HIV/AIDS. In other words, for UNAIDS, Pant represented the only possibility available then of working with a hidden 'risk group' of MSMs.

When Pant invited Bryld from the UNAIDS office to Ratnapark for an observational visit, he recounts that most of the Nepali-speaking 'feminine gays' refused to speak to Bryld even though he was there to translate between them. 'I'm not like that. I tell others not to do it too,' Pant reports one of them saying. Despite this, Pant was able to convince Bryld by asking her to observe his interactions with the *metis*. The UNAIDS office then provided the first pot of money to Pant so he could begin to mobilise this group of people for HIV/AIDS

outreach work, which he envisioned as leading to rights-based work. In Pant's own words in a separate report for International IDEA recording his experience, he says, "With a small grant of USD 500 from UNAIDS, I trained a group of six people to conduct community education on HIV/AIDS for the wider LGBTI community in Kathmandu. This was my first experience of community work." (Pant, 2016, p.5). UNAIDS's financial support also marked the first pot of financial resources for an emerging BDS, whose access to HIV/AIDS related financial and technical resources grew steadily over the years both in terms of the amount of money and the number of partnerships.

However, it is important to note that such 'partnerships' are often extended from within the physical, fortified walls of powerful aid, development or public health agency offices. The significant divisions created and maintained by such literally and metaphorically 'walled off' geographies and spaces (Harper, 2011) in the political economy of development within Nepal lead to inclusion of some individuals, groups, or organisations at the expense of others. As is shown by Pant's testimonies on the Peace Corps and the UNAIDS above, access to allies is often regulated by individual access to staff within these agencies, which in turn is regulated by each individual's economic, cultural and social capital. These often include mundane everyday things like Pant being able to converse confidently in English with the UNAIDS official or the Peace Corps volunteers, or having had the opportunity to learn about queer mobilisations through chance meetings with gay men in Japan, which eventually led Pant to the activist in New York. From Pant's own accounts elsewhere, his socio-economic position as a high-caste, university educated Brahmin man from a privileged family also worked to his advantage, specifically when dealing with domestic actors like the police in Ratnapark, or with government entities later on. While this study is not specifically focused on an analysis of individual capital, it is still important to highlight the importance of intersecting privileges that allow few individuals like Pant to take initiatives that are unprecedented for many others like the group of *metis* who were the actual recipients of BDS's HIV/AIDS prevention and care services. In addition to this, as Adler and Kwon (2002) point out, what is available in any context for an individual to mobilise can only be mobilised - or turned into resources - through a combination of opportunity, motivation as well as ability. Furthermore, what might effect a change in one context through the 'activation' of social capital might not work in other contexts where the social capital is not transferable - for instance when Pant faced resistance from donors in the utilisation of HIV/AIDS resources for gay rights advocacy as will be discussed in later in this chapter. Before this, the following two sub-sections will highlight how Pant was able to utilise

HIV/AIDS related financial and technical resources for BDS's establishment and expansion, and HIV/AIDS related regional and transnational networks for organisational development.

5.2.2 Utilisation of transnational financial and technical resources in BDS's establishment and expansion

After the UNAIDS, the USAID-funded office of Family Health International (FHI) in Kathmandu went on to fund BDS's first HIV/AIDS prevention programme from April 2002 until April 2006 (BDS, 2014). Pant framed this in the appropriate template as a Behavior Change Intervention Programme on sexual health for MSMs living in Kathmandu, delivered through a network of 'outreach educators and peer educators'. By its second year in 2002, BDS already had its own one-storey building in Lazimpat (personal interview with Activist 40, management level staff at BDS, 29 August 2017) - a prime residential location with embassies, boutique hotels and the Prime Minister's official residence nearby[31]. This building housed an office for BDS's operation and an HIV/AIDS drop-in service centre for MSMs. The growing pool of financial resources for HIV/AIDS work – including from yet another American INGO, Population Services International (PSI)[32]– helped BDS acquire further human resources through recruitment of more staff. As the BDS staff who joined the office then recounted in a personal interview for this study, "There were 8-10 field staff and Sunil sir was the Director. There were 1-2 MIS (Management Information System) in-charge and others. It was a team of 10-12 and was limited to certain areas in the Kathmandu valley" (personal interview with Activist 40, 29 August 2017). HIV/AIDS donors, then, not only funded outreach work for MSMs but also actively helped BDS acquire infrastructures and human resources.

This was largely possible because BDS was the only organisation that international organisations could turn to for work on MSMs in Nepal. In a 2006 amfAR directory of organisations working with MSMs in Asia, there were 75 such organisations listed in India in contrast to only one – the Blue Diamond Society - in Nepal (amfAR, 2006, p.56). Though BDS expanded rapidly in the same year, all the CBOs created thereafter mostly worked as

[31] This office in Lazimpat now acts as a Care and Support space for HIV/AIDS affected people from within the community while the main office is now located in Dhumbarahi, another prime residential area in the capital city.

[32] PSI started its HIV/AIDS programme in Nepal in 2002 (PSI website - https://www.psi.org/about/at-a-glance/)

implementing partners to BDS or service providers for HIV/AIDS intervention work rather than as independent organisations with their own sources of funding (RNE 2015: 31). BDS, then, was the only organisation recognised by transnational allies including bilateral and multilateral donors, UN agencies, regional and international LGBTI and human rights activists. This, in turn, facilitated the concentration of financial and technical resources on BDS, most significantly in the year 2006 when BDS suddenly expanded to districts outside Kathmandu. As the staff member quoted above furher recounted during an interview for this study,

> "We didn't really have any programmes in the districts outside but in 2006, there was a big project from UNDP. We opened a lot of branches then…for HIV prevention out of the valley. We opened large offices then…Biratnagar, Itahari, Rajbiraj, Janakpur, Dhangadhi, Pokhara…There was a big, comprehensive package and even the districts outside had 35-40 staff members. It was a big expansion" (personal interview with BDS staff, Activist 40, 29 August 2017).

This was an unprecedented expansion for BDS, carried out through a UK Department for International Development (DFID) programme on HIV/AIDS managed by a UNDP Management Support Agency set up to manage the Global Fund grant (UNDP and DFID, 2007). According to the staff member quoted above, BDS reportedly hired a professional consultant to write the proposal for this grant, which had to be written in English like any other proposals to international donors. According to another BDS activist, the staff then who mostly comprised of the Nepali-speaking, 'traditional' 'feminine gays' of Ratnapark, did not yet have the capacity to prepare such technical documents, nor the capacity to write them in English (personal interview with BDS staff, 15 April 2018). However, this limitation was at least temporarily overcome with the availability of funds to hire consultants who could write technical reports in English.

The budget allocated for MSMs/MSWs within the DFID/UNDP programme on HIV/AIDS was a whopping US $592,837 (UNDP and DFID, 2007, p.27). By October 2006, BDS had spent US $333,428 (UNDP and DFID, 2007, p.27)[33]. With this money, it had expanded its HIV/AIDS work to 15 urban centres (UNDP and DFID, 2007, p.18) and by 2007, services expanded to a total of 25 cities (BDS 2011). As already stated by a BDS employee before, one BDS office in Bhairahawa had 35 full-time paid staff. This is confirmed by the

[33] This is significant given that the total budget that UNDP managed for six years between 2005 and 2011 for this National Programme targeting *all*key populations was only a little below US $5.5 million. (UNDP and DFID, 2007)

UNDP/DFID (2007) report. According to this report, UNDP fund managers were unhappy with the project targets met in comparison to the number of staff (UNDP and DFID 2007, p.31). BDS's vision of political activism through HIV/AIDS intervention work among MSMs meant that it ended up with a constituency of people who were also already socially marginalised as explained above. With low education and rising unemployment in general in conflict-affected Nepal, BDS became like an 'employment agency', as an international ally to the organisation described in jest during an interview for this study (personal interview with BDS Donor 1, 27 November 2016) .

The technical requirements of HIV/AIDS donors and the limited scope of their work did not contain Pant's principal focus on LGBT rights work alongside HIV/AIDS work. HIV/AIDS work would provide the resources for BDS to exist and expand so that the organisation could work on mobilising people for a broader movement. BDS was able to forge ahead in the following years, judiciously utilising any available avenue they could use to strengthen the organisation and its growing network of people it identified as - or eventually self-identifying as - LGBTI, third gender or sexual and gender minorities. As explained in Chapter 4, categories *meti* or *ta* were identity categories that were introduced to people while those who identified as *natuwa* - an occupational category that already existed before - were consolidated into the collective HIV/AIDS category of MSM. The specific role of BDS's HIV/AIDS intervention work in these processes is analysed in more detail in the section below on the consolidation of collective identities within the national and regional context of HIV/AIDS work.

To go back to the role of transnational resources in BDS's expansion, in 2007 BDS assembled all the recently formed and registered CBOs into a network called the Federation of Sexual and Gender Minorities. During this time, those offices that acted as BDS's field offices and did not necessarily have separate names were also registered at the local government offices as distinctive NGOs. Others, on the other hand, were registered as separate NGOs right from the time of registration. This meant the Federation could be presented as a *network* of all of these supposedly independent NGOs or CBOs working for sexual and gender minorities in Nepal as its name suggests. However, the Federation comprises of only CBOs reliant on BDS (personal interview with Federation employee, 17 August 2017; also see RNE, 2015). The Federation used to include Mitini Nepal when it was affiliated with BDS until 2007 but that is not the case anymore (personal interview with Mitini staff, 27 November 2016).

For HIV/AIDS donors, the Federation has been promoted as a network of CBOs similar to the networks formed by female sex workers or injecting drug users. According to the UNDP/DFID review report in 2007, each of these key populations represented by different CBOs needed their own central network which would receive financial and technical support from the HIV/AIDS donors to ensure capacity strengthening of member CBOs. These 'central networks' (UNDP/DFID 2007) of key populations in HIV/AIDS intervention work were not only formed for better collaboration between organisations but also to act as a central mechanism through which financial and technical support from donors could be channeled. Forming separate CBOs and bringing them back together into a central network, then, served a few purposes for BDS: first, it provided an avenue to expand its work; second, it provided a platform for recruitment of members for an emerging movement; and third, it utilised an operational framework put in place by HIV/AIDS donors that brought in more resources for the organisation.

The Federation, however, does not wield more power than BDS. "Currently, the Federation is in a fragile state without a sound institutional base," reads a 2015 performance evaluation report on BDS by the Royal Norwegian Embassy. "Many stakeholders at the district level are not even aware about the existence of the Federation. The staff members of the Federation...are known as BDS staff among stakeholders," it reports (RNE, 2015, p.17). A personal interview with a Federation employee confirmed that the Federation works on a 'project-basis' in coordination with BDS (personal interview with Activist 37, Federation staff, 17 August 2017). These 'projects' are often one-time events that include training on report writing, leadership skills, and policy-oriented work. At the time of this study, the Federation also oversaw HIV prevention work in five districts under and a USAID-funded LINKAGES project managed by FHI, as well as another adolescent focused programme run by an INGO, Restless Development, funded by UNICEF. The Federation, then, operates like one of the CBOs affiliated to BDS.

With the decision-making power centered on one office in the capital (RNE, 2015), the management of 40-50 CBOs at different points in time, and between 700 and 800 full- and part-time staff and volunteers at one point, coordination has remained a challenge for BDS as reported by RNE (2015). However, the problem of an over-scaled staff structure as identified by the UNDP/DFID evaluative report (UNDP and DFID 2007, p.31) did not deter the flow of more financial resources between 2009 and 2010. During this period, government records show that aid inflow for MSMs had increased to a little over US $ 2.2 million (GoN, 2010, pp.14–15). This is significant when taking into account the total expenditure on

HIV/AIDS for *all* key populations in Nepal in 2010, which was only US $8 million when combining the total funds contributed or committed from the Global Fund, UNDP, DFID and AusAID (UNDP 2010, p.78). These key populations at risk of HIV/AIDS and its spread in Nepal included MSMs and male sex workers, migrants, injecting drug users, and a general category of 'people living with HIV'. Under Nepal's HIV/AIDS intervention work, female sex workers receive funding separately from the USAID (personal interview with Donor 3, 23 June 2017). The USAID funded HIV/AIDS programme, however, also supports some projects that include MSMs, which is why it is one of BDS's donors.

In April 2009, BDS signed a five-year project with Family Planning International (FPAN) under the Global Fund Round 7 grant (BDS, 2013). As discussed in Chapter 2, the Global Fund is currently one of the largest funding mechanisms for HIV/AIDS globally and is now the largest donor for BDS (personal interview with Activist 40, BDS staff, 29 August 2017). Given the financial data presented above - which is not a complete record of financial resources received by BDS - a more recent report on global LGBTI funding that records grants of US $588,652 for Nepal in the year 2015-16 (Global Resources Report, 2018, p.35) might indicate decreasing funding for BDS in this time period – which is likely given the financial crises and downscaling by donors, but also due to decreasing cases of HIV infection[34] - or it might also be that not all costs were factored into the report. A 2015 report prepared on behalf of the Williams Institute has two BDS staff members stating thus in their bio, 'BDS is one of Nepal's largest non-governmental organizations with over 750 full-time staff, 53 offices, and an annual budget exceeding $1 million' (Park, 2015, pp.23–24)[35]. Though the time period to which the staff is referring to could not be confirmed in this study, it can be concluded from whatever data is presented in this section that Nepal might indeed be the second largest recipient of LGBTI funding in South Asia as claimed by the Global Resources Report (2018, p.35), with most of the financial resources concentrated on one organisation. Furthermore, as a UNDP report on the Nepali movement notes, "the HIV and health emphasis has primarily strengthened transgender female and gay male leadership in the burgeoning LGBT rights movement." (UNDP and USAID, 2014a, p.57).

Financial and technical resources from HIV/AIDS allies, then, helped in BDS's formation and expansion. This also helped BDS acquire all of its human resources, at least until 2007

[34] Estimated new HIV infections (age 15+ years) for 2000 was 7100 which decreased to 1300 in 2014 (UNAIDS, 2014, p.460)

[35] https://williamsinstitute.law.ucla.edu/wp-content/uploads/Inclusive-Approach-to-Surveys-of-Sexual-and-Gender-Minorities-Nepal-March-2015.pdf

before which it was exclusively funded by HIV/AIDS donors. Work within HIV/AIDS also helped extend Pant's - and as an extension BDS's - social and professional networks with MSM-focused organisations and later LGBT rights organisations in the region and beyond. This was especially crucial in laying the foundation for and providing moral resources for BDS's rights-based work (discussed in the last section on 'financial, technical and moral resources from HIV/AIDS networks for rights-based work) when these were mostly not made available by the HIV/AIDS donors mentioned above. This section has shown how frameworks external to a social movement organisation - in this case, HIV/AIDS intervention work carried out through supposedly independent CBOs which purportedly form a federation - has provided BDS with the infrastructures and resources (human, financial, technical and moral) required for its formation and expansion. This was largely possible because BDS was able to establish itself as the only central organisation working for MSMs, overseeing all other CBOs under it including the Federation of Sexual and Gender Minorities. Even though BDS staff had mostly comprised of Nepali-speaking members with low levels of education and little social and cultural capital required to function within the world of international aid, the organisation was able to overcome these limitations posed because it was able to hire human resources with the technical expertise required to meet donor requirements like writing highly technical proposals and reports in English. A seemingly grassroots organisation, then, could overcome limitations traditionally ascribed to 'subaltern' groups of people as long as these groups were the target of international aid. The next section analyses further how regional and transnational networks of allies have facilitated this process for organisations like BDS in the context of HIV/AIDS work in South Asia.

5.2.3 Utilisation of regional and transnational HIV/AIDS networks in BDS's organisational development

BDS's first grant from FHI was made possible through two individual brokers embedded within a complex web of transnational HIV/AIDS response programmes as they played out in South Asia. The first broker was Dr. Paul Janssen, a public health physician who first worked in Nepal between 1990 and 1992 as a newly graduated medical doctor for the Britain Nepal Medical Trust. Janssen subsequently became the Technical Advisor for amfAR (Hannum, 1997), and then its Country Director between 1994 and 1995. This was a quick ascension in rank for the young professional in an environment with limited knowledge and expertise on AIDS, which came with the opportunity to strengthen professional network and

influence in decision-making processes. While Janssen's tenure at amfAR does not seem to have resulted in any focus on MSMs in Nepal, the next project he worked on in 1996 as the Acting Director of the DFID-funded and piloted West Bengal Sexual Health Project in India explicitly focused on 'homosexuals' including other highly stigmatized groups like sex workers and street children (Kumar, 1998).

Janssen continued to work in different HIV projects in India and throughout Asia before he returned to Nepal in 1999 as the Acting Resident Advisor for FHI's AIDS Control and Prevention Project. It is unclear whether he was still the Advisor at FHI when Pant approached the organisation in 2000/2001. However, what is clear from data obtained from interviews and secondary sources is that it was Janssen who helped establish connections between Pant and a researcher he met in West Bengal to conduct the first study on MSMs in Nepal (personal interview with BDS Ally 9, 13 April 2017). This second broker was Paul Boyce, then a PhD researcher based at the London School of Economics who was finishing his doctoral fieldwork on male same-sex sexualities in the Indian context. Boyce would go on to be one of a handful to author significant scholarly writings on the subject in Nepal in the subsequent years. The significance of Pant and Boyce's collaboration in the consolidation of collective identities within BDS's HIV/AIDS intervention work is discussed in the next section.

For BDS as an emerging organisation seeking to capitalise on the MSM-gap within HIV/AIDS work in Nepal, Boyce's ethnographic study as a consultant hired by FHI to work with Pant was significant for an immediate, practical need - i.e. to have some kind of a research-based evidence for BDS to be able to apply for donor funding. The study conducted in 2001 alongside Pant and his small group of volunteers was the first study on MSMs in Nepal.

As a result of the study, BDS got its first official grant of US $4,000 from USAID/FHI. Besides providing access to financial resources, the collaboration between Boyce and BDS in this participatory research process also helped increase BDS's profile among the dispersed and hidden groups of men who had sex with other men in Nepal - who BDS would categorise as MSMs as illustrated in the next section. "This has been a rewarding outcome," reads the study report, "and has contributed towards the development of the Blue Diamond Society as an increased number of men have become involved in the organisation via this research process." (Boyce and Pant, 2001, p.12).

The research project also helped strengthen BDS's human resources through training provided to the volunteering *metis* on HIV/AIDS, sexual health and research techniques (Boyce and Pant, 2001). While FHI had initially arranged for researchers from a local research organisation to assist Boyce in data collection, both Pant and Boyce thought it would be a better idea to recruit people from within the MSM community to work on this. As Boyce recounts in a personal interview for this study,

> "I think both Sunil and I felt that that wasn't gonna work because I think what we felt was that they were - not unreasonably perhaps given that it was a new area for them - they seemed to construct the idea of working with MSM as a kind of…working with a foreign object. Y'know what I mean, how that can happen in health promotion, public health discourse that we're gonna work with a strange Other. Whereas the people that we were working with were not…there's not much strange or Other about this social milieu. This is for us very intimate and familiar, right...we didn't need intermediary, research expertise of an organisation which had a generic skill in research but who didn't know anything about the subject matter or that social world…"

As Boyce's quote above highlights, collaborative work between scholars and activists who share collective identities leads to more nuanced analysis due to shared knowledge and understanding of sexual behaviour and subjectivities. This is something that is distinctive of the work of other queer activist/academic collaborations like Dutta and Roy (2014) in case of India, or Alm and Martinsson (2016) in case of Pakistan. Indirectly, the quote also emphasises the significance of transnational queer allies in regional or local activist spaces as important sources of technical resources for grassroots organising, or NGO organising. Even though Pant said during the interview for this study that he was more interested in on-the-ground work than on conducting research, he acknowledges that this study nevertheless was useful. In his own words in the interview for this study, "the ethnographic study was to be a base…they (i.e. FHI) wanted to fund but they needed something…so that's why he (i.e. Boyce) came. So after we presented them the report, they agreed to fund. That's what happened."

Besides documenting evidence on MSMs and BDS's 'nascent' phase as an organisation, the joint report by Boyce and Pant (2001) also records regional MSM organisational networks that went on to support BDS as shown in the excerpt below -

> "Naz Foundation International (NFI), an NGO specializing in male-to-male sexual health issues in South Asia...has expressed an interest in working with men who have sex with men in Nepal and has already approached The Blue Diamond Society in this regard. The director of The Blue Diamond Society attended a recent workshop on male-to-male sexual health conducted by NFI in

> Bangladesh in November 2001. NFI has also invited six men who have sex with men from Nepal to participate in a training of trainers' workshop for men who have sex with men to be help [sic] in Lucknow in February 2002. This training will cover a range of relevant issues regarding male-to-male sexuality and sexual health. It will contribute significantly to the capacity of the participants to reflect on and conceptualize issues relating to their own sexual culture and to conduct participatory research and community work derived from this understanding." (Boyce and Pant, 2001: 30-31)

Professional regional networks played a significant and strategic role in BDS's activism alongside HIV/AIDS work, particularly with networks established via Naz[36]. Founded by the late London-based gay rights and HIV activist Shivananda Khan[37], Naz opened an office in Lucknow, India in 1996 to work specifically with MSMs from 'low-income networks and collectives' (amfAR, 2006, p.31) - a sub-group so far ignored within India's national HIV/AIDS response programme. Naz encouraged similar initiatives in countries within the region and provided technical support to then fledgling organisations like Bondhu Social Welfare Society in Bangladesh (estd. 1997) and BDS in Nepal. In a 2004 report, Khan writes that Naz 'provided technical assistance and support to develop some 28 CBO MSM sexual health projects in the South Asia region' (Khan, 2004, p.1). Through its Asian Region MSM AIDS Network, Naz facilitated 'networking, sharing of information and skills, as well as regional support to MSM sexual health projects' through its 'partner agencies' (amfAR, 2006, p.31). Regarding Naz's contribution to BDS's organisational development, Pant said the following during the interview for this study -

> "[in Nepali] I went to FHI, UNAIDS…I built other contacts through this 'job'…[in English] then they started referring me to go to training…[in Nepali] they said go to 'conferences'. Then I went for the NFI training in 2002…Naz Foundation International…the training was basically about how to run an organisation, mostly what 'MSM programmes' are like [in English] which we were already doing, kind of, but it became a bit easier to shape up. It was more of fitting into the donors' requirement…that kind of (training)…they were a *big* office already…the HIV movement in India targeted at MSMs. They were *huge*! [In Nepali] I hadn't known about it. So FHI 'referred' me…(they said) they would give funding and you…it wasn't a training on 'outreach', it was about how to manage organisation…MSM organisation. NFI used to conduct *various* trainings and this was one among them. [In English] So…uh…that training I attended but before that…FHI I think sent me to Bangladesh where NFI already had a programme...project…with Bandhu. So it was Bandhu's annual conference…fourth or fifth already. It was an annual conference...So I went to that conference and oh…150-200 Bengalis… 'transgenders', *hijras*,

[36] See https://sogicampaigns.org/portfolio/how-campaigning-has-contributed-to-the-decriminalization-of-homosexuality-in-india/

[37] The Naz Project was first established in London by Khan to address culturally specific sexual health needs of Black and Minority Ethnic (BAME) communities (Naz Project website, as accessed on 19 June 2019. See https://www.naz.org.uk/our-history

> 'gays'…all of them had come. Umm…[in English] so I sat back quietly, observed, learned a little bit."

What is distinctively highlighted in the quote above by Pant is that it was him who attended these regional conferences by Naz as the founder of BDS. Though a few other staff members seem to have attended workshops or training programmes as indicated in the extract from Boyce and Pant (2001) above, it was Pant who led BDS, and who was hence recognised as the face of the only MSM organisation in Nepal. As Pant clearly explains, his attendance of events organised or facilitated by Naz in India and Bangladesh not only provided Pant opportunities for technical organisational capacity building but also provided him the space to build regional networks with other MSM organisations and their constituencies of 'transgenders', 'gays' and *hijras*. Although Pant later said he knew of a few lesbian organisations in India during this time, his networks mainly comprised of these MSM organisations working on HIV/AIDS. This raises the question of why Pant did not have as close a tie at this initial stage to the more elite gay rights activists working for, for instance, the Lawyers' Collective in India which already worked with Naz. Of this, Pant points out that his English 'was still weak then' and that he found it more comfortable to converse in Hindi with activists like Ashok Row Kavi who founded the Humsafar Trust, another close collaborator of Naz. Pant was, then, not always an 'elite' in all activist spaces. While his subjective position as an educated Brahmin male accorded him advantages in the national context as discussed in the context of Ratnapark in previous sections, in the Indian context where queer (but also feminist) activism and scholarship already had a longer history, Pant occupied a position in the middle. The social capital he was able to avail of, then, were mediated through his network with MSM organisations, and mainly with Naz. As Edwards and Foley (1998) pointed out, social capital - or rather social networks - act as resources only in specific contexts. But as will be shown in Chapter 6, networks in one field of work like HIV/AIDS can be activated to gain access to resources useful for other kinds of work, like rights-based work.

Another transnational ally who knew of Pant's work then said the following -

> "...certainly, he had a vision I think to use this FHI study as a way to get funding and basically build, I suppose…umm…an NGO somewhat along the models of those that were coming up in India at that time. You were getting a lot of those coming up in India…and Bangladesh also at that time, like Bondhu in Bangladesh. So there was a common…there was a kind of template or kind of common pattern of action that…uhh…I mean I don't think it was particularly…revolutionary, just what was happening in the region at the time or

> even in the world to some extent. I could see that he clearly had a vision…and was…forward, very very forward thinking…"
>
> (personal interview with BDS Ally 9, 13 April 2018)

Pant's earliest allies in South Asia, then, were Naz and Humsafar Trust in India and Bondhu in Bangladesh. These three organisations still maintain close ties with BDS, with the four of them exchanging human and technical resources as part of organisational capacity building and strengthening staff capacity for advocacy work. For instance, they are all a part of a regional exchange programme funded by the Norwegian organisation LLH (National Association for Lesbians, Gays, Bisexuals and Transgender People) whereby the three South Asian organisations send some of their staff as 'interns' to each other's organisation for a year to learn from each other (personal interview with LBT staff members at BDS, Activist 16 on 28 November 2016 and Activist 18 on 5 December 2016).

This section has shown how regional and transnational allies like Boyce and the Naz Foundation helped lay the organisational foundation for BDS by providing technical resources. Boyce's collaborative research project helped BDS gain financial resources while reportedly also developed research capacity of its staff members, and made the organisation more visible to local MSMs. Naz, on the other hand, provided the organisational template for BDS and extended Pant's as well as the organisation's social networks within the region. All of these, in turn, were facilitated through financial resources provided by HIV/AIDS donors and allies like FHI/USAID and UNAIDS. These complex connections through which BDS was established presents a counter-narrative to some claims by scholars that international aid on public health work like HIV/AIDS have been counter-productive. In Nepal, BDS would not have existed without the opportunities provided by these resources and public health framework. As an extension, the LGBTI+ movement in Nepal would not have started when it did.

And yet, there were limitations to what HIV/AIDS resources and networks could offer to the movement. Although HIV/AIDS still comprises the biggest funding stream for BDS, these financial resources are predominantly spent on service delivery work. Service delivery work provides the opportunity to reach out to MSMs and present a larger constituency that comprises the total LGBTI+ population in the country. However, this concentration on HIV/AIDS work has also meant a disproportionate programmatic focus on MSMs and those assigned male at birth, which has led to the overshadowing of other issues that pertain to sexuality regardless of gender but also more specific issues concerning people with intersex

characteristics, to give an example. Inadequate focus on these issues have led to some within these groups feeling mis-recognised or not recognised at all within the organisation, and as an extension by the donors who continue to fund this organisation over others.

5.3 The consolidation of collective identities within the national and regional context of interventions on HIV/AIDS work

This section on consolidation of collective identities builds on previous discussions of individual identifications in Chapter 4 to advance a regional approach to understanding queer mobilisations, as initiated by the work of Wilson (2005) and Sinnott (2010) in reference to regional queer subjectivities that cannot be subsumed into sexual behaviour and identities. Ghose, Chandra and Kroehle (2019), in their analysis of HIV/AIDS activism in the context of LGBTQ organising in the South and Southeast Asian contexts, argue that 'surveillance states' have created categories like 'MSMs and transgender people' by assigning them specific needs within HIV/AIDS intervention work. They further argue that the labelling of these groups as those at risk of HIV/AIDS infection and transmission and the visibility that comes with such labelling has been strategically utilised by 'LGBT communities' to add claims of sexual rights into their HIV/AIDS work. However, this line of argument ignores how 'LGBT communities' or activists have actively participated in the creation, consolidation and utilisation of such identity categories, instead of them being created by the 'surveillance state'. In both Nepal and India, government bodies responsible for HIV/AIDS intervention initially refused to recognise that these categories of people existed at all. It was instead gay activists who lobbied for the recognition of these categories starting with ABVA's (1999) campaign in India, that led to state recognition. In Nepal's case, this campaign started with Pant and his organisation, Blue Diamond Society (BDS) established in 2001. As this section of the chapter shows, social movement organisations in the Global South are not always instruments of the state since the state is not the only, or the most significant source of power in all contexts.

Between the first HIV tests conducted in Nepal in 1985 by Mertens et al. (1989) and the establishment of BDS in 2001, the focus of what was then a reluctant national HIV response programme was only on two 'high risk groups' - injecting drug users and female commercial sex workers (Furber et al., 2002). As with the case in India, MSMs were left out of both national and international interventions on HIV/AIDS in Nepal. As emphasised in Furber et

al (2002), there was a lack of adequate data on sexual behaviour and sexual networks in Nepal, lack of data on the 'bridge populations' that are at high risk of transmitting HIV to the general population, and a 'surprising' lack of information on male-to-male sexual behaviours especially since similar data was widely available in the neighbouring countries of India, Pakistan and Bangladesh (Furber et al. 2002, p.144). A review of the available literature on HIV/AIDS intervention work in Nepal by Furber et al (2002) showed that HIV/AIDS work in the country was mostly carried out by US-affiliated institutions like USAID, amfAR and FHI. All of these organisations went on to work with BDS later on. However, before BDS, there is no mention of MSMs in their work in Nepal as recorded by Hannum (1997), UNAIDS (2000) and Furber et al. (2002). Instead, India is the only country within South Asia from where data on MSMs were available then (UNAIDS, 2000). As also discussed in Chapter 2, the national mechanism in place to respond to the epidemic also overlooked this sub-population in their programmes and policies.

This gap, however, was far from an innocent oversight on the part of international muli-lateral and bilateral donors that supported this programme. In a personal interview for this study, a feminist ally of the movement recounted how she conducted focus group discussions with about 12 gay men in Kathmandu as far back as the late 1980s when working on a WHO project on HIV/AIDS (personal interview with Ally 22, founder of a large women's rights NGO in Kathmandu, 25 August 2017). She was introduced to these men through the friend of an expat colleague but she did not follow up on the case as this was not the central focus of her work on trafficked women. She was inadvertently following the template set out for HIV/AIDS work and took into consideration only groups designated as those at risk by the WHO. From this and the studies that already existed on HIV/AIDS, gay men and MSMs in the South Asian region, it is safe to say that the issue was not that international organisations like the WHO, UNAIDS, FHI or amfAR thought that male sexual behaviour might be non-existent in Nepal. Rather, the issue was that the template for HIV/AIDS intervention programmes then did not allow the space for MSMs for two reasons - first, the lack of data on male-to-male sexual behaviour in Nepal as discussed in Furber et al (2002) in Chapter 2; and second, the lack of a CBO which represented this sub-group.

According to Pant and as recorded elsewhere, there was also active resistance from parts of the Nepali bureaucracy against an organisation seen to be promoting gay rights. "We can't do this for 'homosexual rights'", Pant recalled the official saying back in 2001, "We won't let you register. You need to change this…the 'aim' (of the organisation). If you are trying to change 'homosexual' to 'heterosexual', then it would be possible (to register)" (personal

interview with Pant for this study). Having been repeatedly refused, Pant instead registered BDS as a sexual health organisation working on male sexual health. Pant was also acutely aware of how this could work to the advantage of the groups of people he wanted to work for. He was aware of the gap in HIV/AIDS intervention work in Nepal and was able to capitalise on this gap by seeking assistance specifically for working with MSMs on HIV prevention, care and support work. However, there was no visible group of MSMs he could immediately mobilise, nor was there any data on this group of people. The situation, then, demanded that such a group of people first had to be identifiable. The rest of this section analyses this process of identitification and subjectivation under a hostile and unsupportive bureaucratic and economic climate in the country.

As discussed in Chapter 4, 'gay' was a commonly used term amongst middle class and elite groups of men and - to some extent - was known to the cruising *metis* in Ratnapark. However, the first study by Boyce and Pant (2001) emphasised that 'there is no prevalent socially recognised category such as 'gay' around which men who have sex with men frame their sexuality' (Boyce and Pant 2001, p.8). The authors mention that there are a few men who use this term 'as their primary signifier of sexual subjectivity' but add that they are a minority and generally comprise of 'those men who have had exposure to western education' (Boyce and Pant 2001, p.19). This link to foreignness and socio-economic status is confirmed by participants as already shown in Chapter 4. Here, it is important to emphasise the cultural and gendered aspects involved in shaping self-identification to an exclusively 'gay' category. As recorded in a 2009 joint report by DFID/UNDP on HIV/AIDS and MSMs in Nepal, many MSMs were also married to women. In addition to this, many of those who acted as *ta* or the 'male' partner who penetrates the feminine partner or the *metis* also did not consider themselves to be gay.

However, to reiterate another point made in Chapter 4, other emergent categories can be traced to BDS's work on HIV/AIDS in its early years. This is especially evident in Boyce and Pant's (2001) report that revolves around '*feminine* identified men' (p.5) or 'men with overtly feminine demeanor' (p.6), or *meti* - all terms used interchangeably to comprise sub-groups of MSMs. A subsequent report on the first BDS workshop sponsored by UNAIDS and facilitated by the same authors on 24-25 November 2001 titled, 'Report on the first outreach training workshop for men who have sex with men in Nepal', uses the term MSM throughout but does not mention the term gay or *meti* at all (Pant and Boyce, 2001). A final, combined report by Pant (2002) on the workshop sponsored by UNAIDS and the ethnographic study sponsored by FHI frequently uses MSM and lists *metis* and *tas* as sub-

categories within MSM. This combined report, again, does not use 'gay' to refer to the participants of the workshop and the ethnographic study. Instead, it reiterates that "There is no gay community since [sic] there is a loose network of Metis in a range of city areas" (Pant 2002, p.6). The use of MSM, *meti*, *ta, or* 'feminine identified men' in these reports and the exclusion of 'gay' altogether show the processes put in motion whereby identity categories or identifications that closely align with the language of HIV/AIDS intervention work were being consolidated through such selections. As emphasised by Pant before, this was partly due to government resistance against the idea of homosexuality but also - as shown here - due to the need to present a sub-population that was already known by external donors to be at high risk of the epidemic, but for whom no organisation had yet been registered in Nepal. Mobilising around the categories of MSMs or 'feminine men' or a reportedly indigenous identity category of *metis* was then a strategic move made essential at that time due to the cultural, economic and public health contexts within which BDS emerged.

As opposed to the use of MSM and in line with statements made by participants as shown in Chapter 4, 'gay people' were constructed in some of these early reports mentioned above as those who existed outside Nepal. Documenting a session from the second day of the USAID-funded workshop conducted in 24-25 November 2001, Pant writes,

> "The second day was followed by Courtney Mitchell from WFP/UN who introduced history of Gay liberation in the US around 1970 and the present situation. She talked about how Gay people were treated by the people and police at that time which is exactly like in present Gay's conditions in Nepal. She also boosted the hearts of participants by stating that how from few individuals to 300 organisations supported them later. She even told that laws are made for gay people in the US. She oriented the participants on sexual needs of people and how they are identified. She admired the participants and said that one day the position of Gay condition can be uplifted in Nepal." (Pant, 2002)

'Gay people' from outside Nepal, then, were the source of inspiration for political mobilisation of MSMs and *metis* within Nepal, whose conditions also represented 'Gay's conditions' within the country. However, 'gay people' themselves are not seen to exist in Nepal as a political category or collective identity. The politically uninterested, elite, English-speaking 'Thamel gays' (Tamang, 2003) never make it into the frame of early activism within BDS. Boyce's later work interrogates such reification of subjectivities and sexual practices into identity categories within HIV/AIDS intervention work in both Nepal and India. As he explained in a personal interview for this study,

> "In the work in India for example, I've talked about how *kothis* were in a way reproduced as culturally authentic subjects within external HIV prevention discourses, right. So in…in a way…kind of argued I think, probably over-egging the pudding that…not quite that *kothis* were an invention but they were people who were coming to identify as *kothi* after hearing that that was their identity in their account of HIV prevention work, y'know what I mean. Whereas the HIV prevention paradigm is saying this is the authentic cultural discourse of sexual difference in India and we reflect it. So I was saying there was a kind of recursive relationship, y'know. Probably I would nuance that position a bit more now, you know, 'cause of course there are authentically identifying *kothis*...but the relationship is a complicated one, y'know what I mean...It was more complicated because I remember distinctly talking to Sunil, and he was very astute saying similarly that these *metis*…yes, people do identify as *meti* but it's not this kind of…I don't know, all-encompassing sense of identity that's being represented in…umm…in some of the kind of nascent public health programme, y'know what I mean. Yea people do identify as *meti* but there's a difference in kind of the way the concept is reified...as a kind of distinct category of person, y'know what I mean [...] (though) I think ultimately, in retrospect I think they did the right thing...in retrospect I suppose really it was the paradigm that was available and that's how things were worked in there as well."

As acknowledged by Boyce, within the varied social, public health and economic contexts, it is not surprising that Pant chose to focus on mobilising the *metis* or MSMs in Ratnapark under the framework of HIV/AIDS work. However, it can also be said that these processes inadvertently required the creation of knowledge around categories that did not exist before - like in the case with MSMs - and consolidated the limited vernacular knowledge that could be gathered on 'effeminate', feminine' men and *metis* as formal. The subsequent use of *meti*, MSM and effeminate/feminine men in written documents on HIV/AIDS work among male-to-male sexual behaviour is further evidence of this. This section has highlighted how subjectivities and realities themselves were being created through the interaction between activists and allies in the South Asian region, albeit within a global public health intervention on HIV/AIDS. More importantly, this section has also extended the arguments in the previous sections that regional networks and resources often play a crucial role in collective mobilisation. A multi-scalar approach to analysis of social movements, instead of focusing on only one or two levels, provides for a richer analysis of why and how activists mobilise in the way they do.

5.4 Financial, technical and moral resources from HIV/AIDS networks for rights-based work

Drawing from Currier and McKay's (2017) argument that 'LGBT organisations' in the Global South often adopt a hybrid strategy by incorporating both public health and social

justice approaches, this section argues that this is also true of BDS. Although officially unsupportive of political assertions for equal rights, this section shows that some HIV/AIDS allies like UNAIDS and USAID/FHI have indeed facilitated Pant and BDS's rights-based advocacy in indirect ways as also already indicated in the sections above. This section analyses specific cases where resources (financial, technical and moral) were provided by regional and transnational HIV/AIDS allies for BDS's rights-based advocacy. The section particularly reflects on both the nature of resources provided and how BDS creatively makes use of them to carry out rights-based work to a limited extent. By the end of the section, the resource exchange relationship between HIV/AIDS allies and BDS is analysed.

Before BDS started receiving funding specifically allocated for rights-based work from 2007, its work outside HIV/AIDS service delivery has included documenting rights violations of mostly *metis* at the hands of the local police and the armed police forces deployed in Kathmandu from 2001, when the violent Maoist insurgency had reached a climax. Although unremunerated for this work, Pant continued to document human rights violations; sensitize community members about their rights during training sessions, especially when it came to police abuse and violence; and help get arrested *metis* out of jail, often by paying for their bail. *Metis* were detained under the Public Offence Act which has been used by the police in Nepal to detain anyone they see as not appearing to conform to gender but also other social norms[38]. The post-9/11 period saw increasing military aid to the then Royal Nepal Army (now Nepal Army) by the US (and India) since 2001 (Amnesty International, 2005[39]). At the same time, with ethnic assertions also reaching their peak, bilateral and multilateral donors discouraged their grantees from engaging in work seen as too political.

During this politically volatile climate, BDS's HIV/AIDS donors warned Pant against speaking about LGBT rights or sexual rights. One of the earliest BDS staff related during a personal interview for this study, "Once they even wrote us a letter saying that office space and resources shouldn't be used outside of sexual health (work)…that it was being misused" (personal interview with Activist 43, 15 April 2018). The activist referred to USAID-funded HIV/AIDS work and went on to explain that it was also partly due to US government policies during different administrations. For instance, when Bush was in power, BDS could not

[38] including almost a thousand men sporting long hair and earrings in 2013 - https://www.adelaidenow.com.au/news/world/nepal-denies-targeting-long-haired-hooligans-after-1000-arrested/news-story/3fa4b861d7874ab97d25086a2afdb6c8

[39] https://www.refworld.org/docid/429b27f12.html

work openly around issues on sexuality. “It was very difficult’, the activist explained. “Even if we mentioned (the word) ‘sexuality’ in the reports, they would edit it out when sending it to Washington. They would tell us not to do it…But we cannot *not* talk about rights when we distribute condoms and the police arrest us on this basis!,” they argued (personal interview with Activist 43, 15 April 2018).

Funding for BDS’s HIV/AIDS programmes also provided the space to start working on collective mobilisation of and community building for *metis*. Although BDS did not have any funds allocated for rights-based work until 2007, Pant was already using HIV/AIDS resources in creative ways to bring together a disparate group of *metis*, and to build a supportive community for them. As one of the earliest activists, Activist 43 went on to elaborate during the interview for this study,

> “[in Nepali] We started the ‘beauty competition’ in 2001...Um, there was no ‘gay’ or ‘trans’ then…it was only *meti*. So it was between *metis*. [...] No, it was *meta*...the name of the contest was *Meta* No.1 [...] Back then…uh…the ‘title’ would change *every* time, depending on the ‘concept’. For e.g. PSI (Population Services International) came in, I think, 2003. We had the first *massive* (pageant) in 2003...on ‘No.1 condom’ in Nepal. It was very ‘successful’ for the ‘condom’...(We) had done a ‘promotion’ for the ‘condom’ and for ‘sexual health’… No.1 was the ‘brand name’. (PSI said), “You’re working on ‘sexual health’. You must do a ‘programme’ with us”. We said, “We have a better idea for ‘massive’ ‘promotion’ than you do…it’s better than your ‘traditional’ idea.” They asked what (it was) and we said, “We will do a ‘beauty contest’”. They were surprised and asked how it would be different. We said, “Traditionally (we have) ‘beauty contests’ like ‘Miss Universe’ where they ask all sorts of things but we will ask ‘questions’ about ‘awareness’, HIV/AIDS, condoms. This will be very good - the ‘community’ will get ‘training’ and the ‘audience’ will get something as well.” So (PSI) said we could use the whole venue and promote No.1 [...] The first round’s ‘outfit’ was made from the condom packs. There was also a bag with No.1 printed on it. So we made all ‘outfits’ from that in the first round and they (PSI) were so happy with that!

As already discussed in Chapter 4, the terms used to signify the groups of people who BDS then worked with were used in a fluid manner. BDS’s focus at this time was on building supportive communities, rather than on engaging with or determining correct use of identity categories as part of their activism. At the time when BDS was building its organisational base, it focused more on building awareness, confidence and a sense of community among its staff - who then exclusively comprised of those assigned male at birth - and those who came in contact with the organisation. Marketed to donors as an event that would contribute to awareness-raising or ‘training’ of participants as well as audience, these were also

opportunities for *meta/meti* participants to 'vent out their desires' by wearing 'what they want to wear' - something they 'couldn't do at home' or 'on the streets', something to give them a 'taste of freedom'. From its inception, then, BDS was not just an MSM organisation focused on service delivery but was also actively trying to build a supportive social space within the organisation for MSMs.

BDS also initiated a Gaijatra Pride Festival - BDS's version of an annual Pride Parade - from 2002, when its only source of funding was still limited to HIV/AIDS donors. "If we had celebrated 'gay pride'," a BDS activist explained, "then it might have been called 'Western import'". The Gaijatra Pride Festival has since been an annual celebration attended by BDS and its CBO staff as well as allies. Though complete information on financial sponsors of these subsequent events - as well as the finances involved - could not be gathered during this study, BDS's records provided some insight. For instance, in the year 2016, the festival was supported by 'UNDP under Global Fund MSA program, Royal Norwegian Embassy and Open Society Foundation'[40], showing that the festival was co-funded by donors from both resource pools - i.e. HIV/AIDS and human rights. While Pant insists that this is not a gay pride parade, external news coverage of these events have repeatedly framed them as 'LGBT Pride' (APCOM, 2017[41]) or 'Gay Pride' (UK Gay News, 2005[42]). Whatever the Gaijatra Pride Festival has been called, it has helped BDS gain visibility every year within and outside the nation, reminding everyone who reads these media reports. These reports also reestablish BDS's status within domestic and international readers as the organisation that kick started the LGBTI+ movement in Nepal.

In fact, BDS has often called upon elite allies like heads of different INGOs, bilateral and multilateral donors as special guests to mark the start of the parade, further ensure added coverage by the institutions that these allies represent. For instance, its annual National Consultation Meeting in August 2014 was attended by 200 participants from affiliated CBOs across Nepal, civil society members, government representatives, and 'UNAIDS, UNDP, and US Embassy staff' (BDS Press Release, 2 September 2016[43]). Similarly, HIV/AIDS networks have been useful for maintaining organisational visibility - while also highlighting LGBTI+ issues to some extent - through their moral and/or financial support during one-off

[40] http://www.bds.org.np/rainbow/gai-jatra-2016/
[41] https://apcom.org/2017/08/16/gaijatara-pride-blue-diamond-society-celebrating-kathmandus-lgbt-pride/
[42] https://www.ukgaynews.org.uk/Archive/2005july/1401.htm
[43] http://bds.org.np/wp-content/uploads/2014/09/Press-Release-National-Consultation-Meeting-FINAL-140903.pdf

events like the Rainbow flag-raising ceremony at the UN House in Kathmandu in May 2017, jointly organised by UNAIDS, BDS and UN Cares on the occasion of the International Day Against Homophobia, Transphobia and Biphobia and the International Family Equality Day. This event included addresses by the then UN Resident Coordinator Valerie Julliand; Nepal's then Minister of the Ministry of Women Children and SocialWelfare, Kumar Khadka; and the then Commissioner at the National Human Rights Commission, Mohna Ansari among other 'UN dignitaries, government officials, diplomats, and members of civil society and the media'[44]. While the validity of the claims and commitments expressed by these dignitaries cannot be verified in this study, what the list of attendees highlights is BDS's access to them, which emphasises their legitimacy to others within the country and outside.

The annual National Consultation Meeting mentioned above, though financed by HIV/AIDS donors like the Global Fund, focused on broader concerns around 'LGBT rights in Nepal'. More specifically, 'the national consultation was held at a time of rising concerns over current drafts of the revised civil and criminal codes...which contradicts the Supreme Court's 2007 verdict...and the hard-fought gains on LGBTI rights in Nepal' (BDS Press Release, 2 September 2016). In the meeting in 2014, issues like the need to address 'LGBTI-friendly school environment' was put forth by a teacher attending the consultation, who 'pointed to the success of a training provided by BDS to 600 teachers that had helped sensitize them to the unique challenges faced by LGBTI students as a potential model to replicate' (BDS Press Release, 2 September 2016). Similarly, other issues discussed included achieving equal access to health services, employment and education. Subsequent National Consultations Meetings, like the one in 2017 which was attended by the researcher of this study, have been sponsored by the same Multi-Country South Asia Global Fund HIV Programme. Issues covered then included discussions around equal access to education, legal considerations, support from families of LGBTI+ people, media initiatives and entrepreneurship alongside BDS's HIV/AIDS work.

National level meetings like these have also become spaces to highlight and seek further commitments on resource exchange between BDS and allies. For instance, in the same 2014 meeting, an Under-Secretary of the Home Ministry, invited BDS to extend its technical resources to the Ministry by providing 'sensitivity training to the staff of the Ministry to

[44] http://www.bds.org.np/wp-content/uploads/2014/06/United-Nations-MediaRelease_International-Day-Agaianst-Homophobia-Transphobia-and-Biphobia_Kathmandu_17May2017.pdf

enable better understanding of LGBTI issues and help them to develop policies that support the community'. 'LGBTI participants', on the other hand, 'demanded equal opportunity for employment and a quota for them in government service, a benefit which is enjoyed by other minority groups' (BDS Press Release, 2 September 2016). It is another matter that these demands and commitments might often not be met, like on the part of the government in this case. However, BDS fulfills its share of the bargain by providing 'sensitivity training' to government employees, INGO and NGO employees, journalists, teachers as well as staff members of its allies. For instance, two international donors - one funding BDS's HIV/AIDS work and one funding its rights-based work - confirmed during interviews for this study that BDS had provided such training to their staff members in Nepal (personal interviews with Donor 5 on 31 August 2017 and Donor 2 on 14 June 2017). However, these technical resources that BDS provides to the donors are not categorised as resources by both parties. That is, there is more value placed on the financial and technical resources donors provide to BDS. The technical resources that flow from the donors to BDS are seen to contribute to 'capacity building' of BDS, with both their staff using this term to refer to what donors provide to BDS. However, the 'sensitivity training' was not framed as a technical resource that BDS provides in order to contribute to the capacity building of staff members within donor organisations. Instead, transnational allies are always seen as - and invited to events as - the experts as shown by a press release from BDS in reference to the annual meeting in 2014 mentioned above -

> "The meeting featured a session by Emilie Pradichit, Human Rights and Advocacy Officer at UNDP APRC, who explained ways of building partnerships with parliamentarians and law enforcement officers to improve their understanding of national human rights standards and ensure they protect the rights of LGBTI individuals. She also emphasized the international human rights commitments to which the Nepal government is accountable.
>
> Speaking on the issue of access to health care in the context of the HIV response, Anna Chernyshova, Programme Manager, UNDP APRC, noted, "It is vitally important that sexual minorities, especially men who have sex with men and transgender women, are able to access healthcare and HIV services unhindered. Stigma and discrimination persist, barring these key populations from accessing health care and presenting a threat to progress in the HIV response in Nepal."
>
> Ruben del Prado, the UNAIDS Country Director for Nepal and Bhutan said that he looked forward to the day when such consultations would no longer be necessary because all people, whoever they are and wherever they are, can live in dignity with pride. He further said that it may be time to ask those who have prejudices against LGBTI people, what they are afraid of. "Fear", he said, "is an important element of discrimination."

The UNDP was identified as an important ally by BDS staff members in Kathmandu. In the extract above, the first UNDP APRC representative, Emilie Pradichit, is introduced as a Human Rights & Advocacy Officer at the UNDP APRC, though a bio in a UNDP report says Pradichit is with the HIV, Health and Development Team at the UNDP Bangkok Regional Hub (Park, 2015, p.23). As a co-sponsor of UNAIDS (discussed in Chapter 2), the UNDP's HIV work 'seeks to address the human development, governance, human rights, gender and trans-border challenges of HIV in the region' (UNDP, Asia and the Pacific[45]). Central to their work is 'strengthening partnerships between *affected communities* and governments to ensure more effective and inclusive governance of HIV responses' (UNDP, Asia and the Pacific, emphasis added). These key affected communities as listed in the website are 'men who have sex with men and transgender people' including others outside the BDS constituency like sex workers, key affected women and girls and migrant workers to an extent. While 'transgender people' in this list makes it seem as if it includes all transgender people regardless of their sex or gender assigned at birth, this term in reference to HIV/AIDS work exclusively focuses on transgender people assigned male at birth. 'Sex workers' would also include transgender women, *metis* and other gender non-conforming people assigned male at birth who engage in sex work, but all of them are consolidated into the MSM category in HIV/AIDS programmes in Nepal.

Despite the primary focus being MSMs and transgender and gender non-conforming people assigned male at birth within HIV/AIDS intervention work, a regional programme by the UNDP had made some attempt at being inclusive of other voices outside of BDS. This programme is the UNDP's Being LGBTI in Asia (previously Being LGBT in Asia) regional programme that is 'aimed at addressing inequality, violence and discrimination on the basis of sexual orientation, gender identity or intersex status, and promotes universal access to health and social services'[46]. The programme is a joint venture between organisations working on HIV/AIDS in Asia - i.e. the UNDP Asia-Pacific Regional Centre and USAID - and serves two objectives: 'convening stakeholders' or regional partner 'to foster a greater understanding of the marginalization and exclusion faced by LGBTI people in the region'[47]; and 'strengthening strategic information' by addressing 'the large research gaps that currently exist on the stigma, discrimination, violence and human rights violations

[45] http://www.asia-pacific.undp.org/content/rbap/en/home/ourwork/democratic-governance-and-peacebuilding/hiv-and-health/in_depth.html
[46] http://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html
[47] http://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html

experienced by sexual and gender minorities in Asia' (UNDP, Asia and the Pacific[48]). In other words, this programme does not have the mandate to fund or implement rights-based programmes and projects. The list of 'key regional partners' within this programme as shown in its website - most notably the Asia Pacific Transgender Network (APTN), UNAIDS, and World Health Organization (WHO) - also make it evident that this collaboration is limited to those institutions that primarily work from a public health approach, which in this case is limited to HIV/AIDS intervention. This means that all of them only collaborate with BDS in Nepal, reinforcing the argument throughout this chapter that BDS is the go-to LGBTI+ organisation as far as UN agencies are concerned. None of these agencies or partners have any ties with the lesbian organisations in this study since those assigned female at birth do not fall under the purview of HIV/AIDS programmes. To be fair, staff members from these lesbian organisations have been part of some of the events organised by these allies - like the Being LGBT in Asia conference organised by UNDP in 2014 - which have led to some of the most incisive and nuanced reports on inter-organsational dynamics, contestations over identities and resources, as well as exclusions within the movement. However, no attempts to address these contestations - mainly over resources - could be found from the limited information provided by UNDP reports, often produced in collaboration with their partner NGO, BDS.

In addition to UNDP's contribution to the advancement of LGBT rights in Nepal - to whatever extent it has been the case - another key HIV/AIDS ally has also indirectly supported BDS's rights-focused work. The extract from BDS's press release above shows that while HIV/AIDS allies like UNAIDS have the official mandate to only focuses on HIV/AIDS work, individual allies within these institutions might sometimes go beyond the official mandate, offering guidance as a mentor or guardian would. One such ally was closely involved in facilitating BDS's involvement in the Laramie Project, a theatre advocacy project originating in the United State to raise awareness against homophobic hate crimes[49]. The Laramie Project was first staged in Nepal in March 2015 by a Nepali-based NGO[50] (8 March 2015, TKP[51]) and BDS became the main collaborator for this theatre project during its second staging in May 2017 (18 May 2017, TKP[52]). BDS sponsored the total budget of

[48] http://www.asia-pacific.undp.org/content/rbap/en/home/ourwork/democratic-governance-and-peacebuilding/hiv-and-health/in_depth.html
[49] https://www.thoughtco.com/the-laramie-project-overview-2713500
[50] https://theatrevillage.org/about/
[51] https://kathmandupost.com/art-entertainment/2015/03/07/the-laramie-project-in-kathmandu
[52] https://kathmandupost.com/art-entertainment/2017/05/18/the-laramie-project-to-be-staged-starting-friday

USD 11,000 for the project in 2017 through funds provided by its main HIV/AIDS donor, Save the Children, which was then the Principal Recipient of the Global Fund on behalf of HIV/AIDS budget allocated for Nepal. An HIV/AIDS ally occupying a prominent role within a UN agency and within HIV/AIDS intervention work in Nepal claims to have helped BDS negotiate this transfer of funds from Save the Children/Global Fund (personal interview with Ally 11, 19 June, 2017). The ally's legitimacy and social capital then acted as the moral resource through which BDS was able to secure financial resources.

In addition to this, some BDS activists were selected to act in the play in 2017 alongside other queer and non-queer identifying artists and professionals. The play in 2017 incorporated the life stories of the 'Nepali LGBTQ community' and 'queer Nepalis' - as stated in a promotional pamphlet[53] - which were drawn from an anthology called 'Pride Climbing Higher: Stories by LGBTI People from Nepal'[54] published in 2014 as a collaborative project between BDS and foreign researchers based in and out of Nepal (Frisbie et al., 2014). The incorporation of Nepali LGBTI+ stories into the play in 2017 was reportedly to localise the context to ensure a wider cultural resonance, which was expected to lead to better understanding and empathy of the audience towards the 'LGBTQ community'[55]. Interviews conducted with BDS activists involved in this project showed that the Laramie Project was the first time they were collaborating with Nepali queer- and gay-identifying professionals outside of BDS (personal interviews with BDS activists, 17 August 2017). These professionals were akin to the 'Thamel gays' Tamang (2003) identified - English-speaking, middle-/upper-middle class and not employed by BDS or any of the other LGBTI+ NGOs.

As in 2015 when the Laramie Project was first staged in Nepal, a pre- and post-screening school outreach programme was also carried out by an independent educator alongside other BDS activists. As part of my fieldwork, I attended two of these outreach events at two private schools in Kathmandu. BDS activists took the lead in conducting what appeared to be 'orientation' workshops familiarising students with the various LGBTI+ categories and their interpretations of those categories. While the school outreach programmes were not new to

[53] https://actingout4peaceblog.files.wordpress.com/2017/05/laramie-handout-nepal-one-world-theater.pdf
[54] http://www.creative-nepal.com/wp-content/uploads/2014/09/Pride-Climbing-Higher_soft-copy_small.pdf
[55] Here, it is important to note the different use of acronyms - 'LGBTI+' used by BDS, 'LGBTQ' and 'queer' used in the Laramie Project pamphlet in 2017 and 'LGBT' used in the anthology in 2014 to refer to the same 'community'.

BDS activists already used to conducting such workshops before for both students and professionals, what was new about this collaboration was the brief space of socialisation it provided them with non-BDS queer and gay identifying people during the month or so that the project lasted. As already discussed in Chapter 4 and in Tamang (2003), such socialisation and collaboration between what Tamang calls the 'BDS crowd' and the more elite groups of queer-identifying people are rare. No further evidence of such collaboration was found during interviews conducted for this study (personal interview with independent Activist 12 on 16 November 2016 and Activist 14 on 22 November 2016) , though some BDS activists confirmed sporadic informal contact (personal interview with Activist 1 and Activist 38 on 17 August 2017). This confirms that activist spaces are segregated especially along the lines of class but also of ethnicity in Nepal's context since BDS activists, as mentioned before, comprise a significant proportion of those from Janajati or ethnic minority groups. Also significant is that this segregation also emphasises - to a large extent - the separate spaces occupied by queer-identifying people versus those who identify variously as transgender, feminine gay, *meti* or *natuwa*.

This section has highlighted how the source of financial, technical and moral resources for BDS between 2001 and 2007 mostly comprised of HIV/AIDS donors who discouraged BDS's advocacy work. However, during this period, Pant - who was almost exclusively taking decisions on behalf of the organisation - often found creative ways to incorporate community building and awareness raising among the disparate groups of *metis* or effeminate men that comprised BDS's primary constituency. Donors, then, were not always as rigid and were often found to support ad-hoc advocacy-type events as long as the key populations of HIV intervention programmes were included. This flexibility allowed BDS to bring together all groups of sexual and gender minorities by organising events like the Gai Jatra Pride Festival or the annual National Consultation meetings. However, these events have been too sporadic to identify any utilisation of strategic and inclusive planning wherein the organisations' programmes on rights-based advocacy feeds into the current agenda on the table - i.e. the legalisation of same-sex marriage. The organisation of ad-hoc events shows little direction in terms of the organisational vision, at least until 2007.

5.5 Comparison of networks and financial resources of the three LGBTI+ NGOs

However, what the discussions so far have shown is that BDS has a wide network of HIV/AIDS donors and allies, and that it has received considerable financial, technical and moral resources from this pool. Figure 5.1 below maps all of BDS's allies and donors so far beginning from 2001 and as identified during interviews with activists and from secondary sources like BDS's webpage and reports. The three central circles in blue represent BDS, affiliated community based organisations (CBOs) and the Federation of Sexual and Gender Minorities which it claims 'is the first and the only network of lesbian, gay, bisexual, transgender and Intersex (LGBTI) organizations in Nepal, with 37 affiliated community based organizations (CBOs) and 53 offices in 32 districts' (Federation of Sexual and Gender Minorities, 2018). As has been discussed in this chapter earlier, the Federation only includes CBOs already affiliated with BDS. The CBOs and the Federation have little authority and decision-making power, making BDS and its leadership the central power. Similarly, in the figure below, transnational HIV/AIDS allies and donors are represented by the red circles while human rights or LGBTI+ rights allies and donors are represented by pink circles. Yellow circles represent domestic allies from supporting both HIV/AIDS and human rights work. The national border of Nepal is represented by the blue circle with most of the transnational allies based within the country, and the rest based outside. Here, it is important to note that individual transnational allies who were located inside and outside the country are not included in the figure.

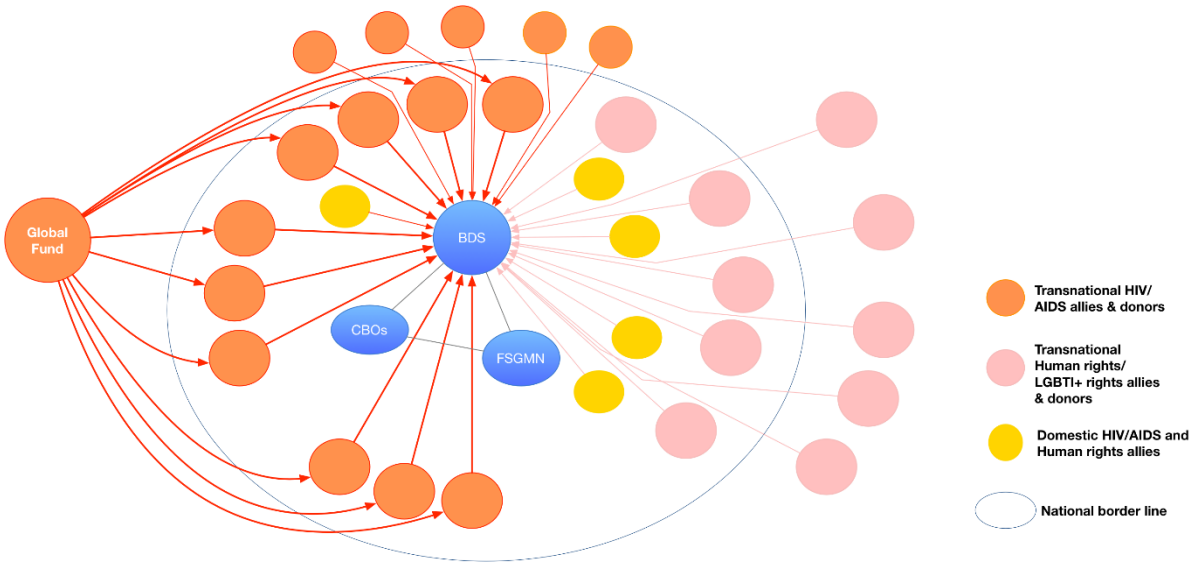

Figure 5.1: Allies and donors for BDS

This **centralised or wheel structure** of the network characterises 'one central position coordinating exchanges across the network and acting as a linking point between peripheral components that are not directly related to each other' (Diani, 2003, p.310). The central actor is likely to have considerable influence over the pooling and redistribution of resources, while the network itself lacks horizontal exchanges at the periphery with minimal resources invested in linkage-building. For the actors at the periphery, ties to the central actor are 'sufficient to secure easy access to the rest of the network' though they are unlikely to exert substantial influence over the network (*ibid*). Additionally, 'there is a low propensity to expand the scope of collective action beyond the actors' specific interests and the most obvious central political goals as articulated by the movement core actors at any given point in time' (*ibid*: 311). The wheel structure is characteristic of the networks that BDS has formed mainly with its transnational - and to a large extent, its domestic - allies. Here, the BDS head office in Kathmandu is often in direct contact with other actors outside the movement and with transnational allies, while the field offices or CBOs often do not have such ties though they might try and develop ties with local NGOs and government offices (personal interview with Activist 26 working in BDS-affiliated CBO outside Kathmandu on 1 August 2017, and Ally 17 from independent NGO on 2 August 2017). Ties of these CBOs with local actors outside the movement have reported to have been forged under projects already designed by the head office in Kathmandu (personal interview with Activists 26 and 30 working in BDS-affiliated CBO outside Kathmandu on 1 and 3 August 2017 respectively), with little control of CBOs over independent decision-making.

As is evident, BDS has had more HIV/AIDS donors and allies (16 including the biggest donor, the Global Fund) than LGBTI+/human rights allies and donors (10). Two of the HIV/AIDS allies represented by the orange circles at the top are the regional MSM organisations that BDS has continued collaborating with, namely Naz Foundation and Humsafar Trust. More importantly, most of these allies have been transnational with only five national allies identified. Among the national allies, only one is an HIV/AIDS ally - the National Centre for AIDS and STD Control (NCASC) - while the others include the National Human Rights Commission, the Ministry of Women, Children and Social Welfare, Informal Sector Service Center (a key human rights NGO in Nepal known by the acronym INSEC), and the Forum for Women, Law and Development (FWLD). The domestic human-rights allies and their relationship to BDS will be analysed in Chapter 6.

Regarding BDS's relationship with the NCASC as identified through interviews with BDS as well as NCASC staff, the NCASC views BDS as representative of one of the 'key affected populations' of HIV/AIDS (personal interview with NCASC staff, 22 August 2017). The NCASC does not implement programmes or projects, nor does it disburse funds. Rather its mandate is to act as the apex body of the state for the implementation of national policies, plans and strategies on HIV/AIDS. One of NCASC's role is to collect data on all key populations. During this process of data collection, the NCASC is mandated to work with organisations that are representative of the communities of key populations so that 'hot spots' and 'strategic locations' occupied by these populations can be 'mapped' (personal interview with NCASC staff, 22 August 2017). "We need 'strategic information' on them like 'size estimation' and also other cross-cutting issues," explained the NCASC staff during a personal interview for this study. Working with these organisations is pertinent for NCASC's data collection as many of those identified as key populations like MSMs, sex workers, or injecting drug users are considered a 'hidden population' - i.e. their whereabouts are not easily known and hence they can only be identified by people from within that group.

BDS staff, on the other hand, expressed a tenuous relationship with NCASC when the latter acted as the principal recipient of HIV/AIDS funding from the Global Fund between 2010 and 2014. As explained in Chapter 2, BDS as an NGO can only be a sub-recipient of the Global Fund whereby money is channeled to BDS through a higher body - sometimes this is a government body and other times this is a bilateral donor or a UN agency or an INGO. A BDS staff explained why it was difficult to work with the government body, NCASC, in a personal interview for this study as follows:

> Participant: The government doesn't give (the money) in advance. We have to spend the money first so it's really hard for CBOs. We have to first finish everything and submit the bills. You know *how* difficult it is with the government…from 'finance' to…they make it very hard for us…
>
> KR: Is this about the NCASC?
>
> Participant: NCASC, yes. It's *very* difficult to bring in 'funding'. We do *so* much work and the 'finance' there delays our payments. We don't know why they do this. We have always worked on 'right-based'…ever since we have started Blue Diamond we have never 'entertained' 'bribes'…we have not 'entertained' this so we're in an uncomfortable position with the government. So it's *very* difficult for us.
>
> (personal interview with Activist 1, BDS, 17 August 2017)

No other ties between BDS and NCASC was mentioned during interviews. This shows that BDS has weak ties with the government entity and mostly maintains a distant but courteous relationship with it, as in the case when NCASC requires data on MSMs, male sex workers and transgender women for its surveys.

As also indicated in the quote above by the BDS staff and the lack of mention of any further work with NCASC, it seems that the apex government body for HIV/AIDS intervention does not constitute an important network for BDS. This is not surprising given NCASC's lackadaisical approach in the past towards addressing HIV/AIDS and in including MSMs within the Nepali government's response programmes as explained in Chapter 2. However, as illustrated in the figure above and as evidence in interviews, BDS's most important networks comprise of transnational donors and allies who provide it with financial, technical and moral resources.

Extending this analysis further, the following figure gives a sense of the discrepancy in access to one resource (financial) and access to networks between BDS and the other two LBT NGOs in this study. Figure 5.2 is a pie-chart derived from the available data on financial resources obtained by each NGO so far. This data was obtained from secondary sources like organisational reports (in case of BDS) and donor reports either obtained in person during the fieldwork or obtained online. The pie-chart emphasises the vast discrepancy in access to financial resources for LBT organisations, which are not funded by HIV/AIDS donors (because they do not comprise one of the key affected populations) nor by bilateral/multilateral donors and UN agencies funding LGBTI+ rights. The two LBT organisations in this study also did not have any ties with transnational LGBTI+ solidarity networks that BDS had access to like the Human Rights Watch, Amnesty International, Outright International and many others. This will be elaborated further in Chapter 6.

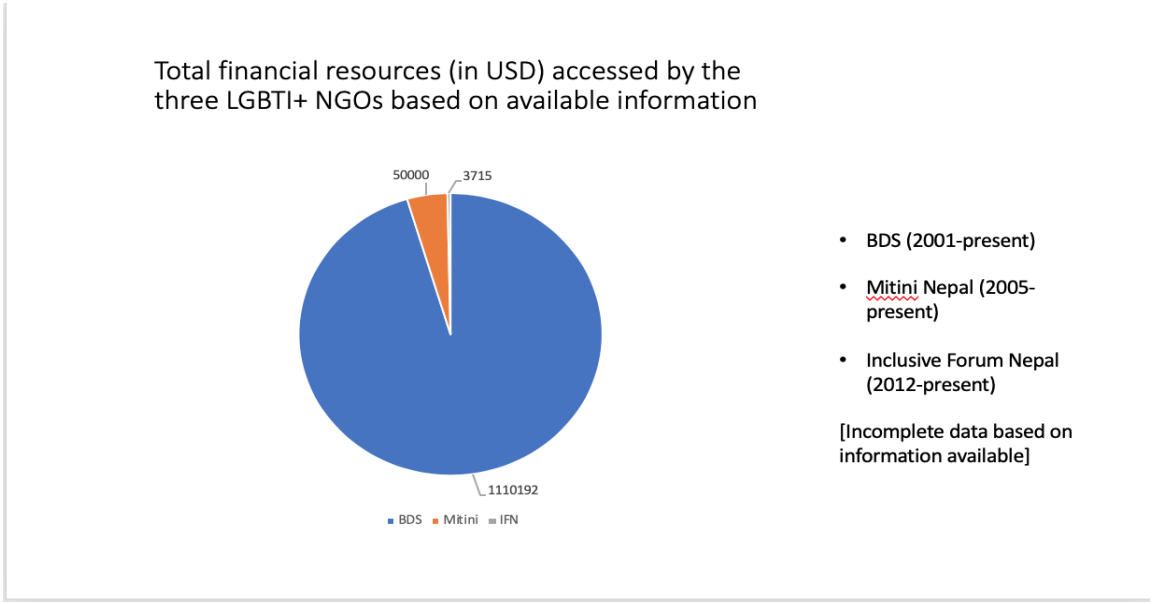

Figure 5.2: Total financial resources accessed by the three LGBTI+ NGOs.

In line with access to financial resources, LBT organisations were also found to have comparatively fewer number of allies than BDS. As shown in Figure 5.3 below, there were seven allies identified for Mitini Nepal in the period between 2010 and 2015 and only two for Inclusive Forum Nepal in the same time period. However, the number of allies for Mitini Nepal is seen to be steadily increasing with its increasing professionalisation over the years. It should be noted that this graph is only indicative and is not exhaustive as it was difficult for activists to remember all allies, especially for BDS activists who have worked with numerous allies over the years. As such, the decreasing number of allies for BDS as shown in the graph below is only a reflection of those allies mentioned during interviews and found in organisational reports. Additionally, this graph like Figure 5.1 before on BDS allies/donors does not include individual allies but only includes organisational allies.

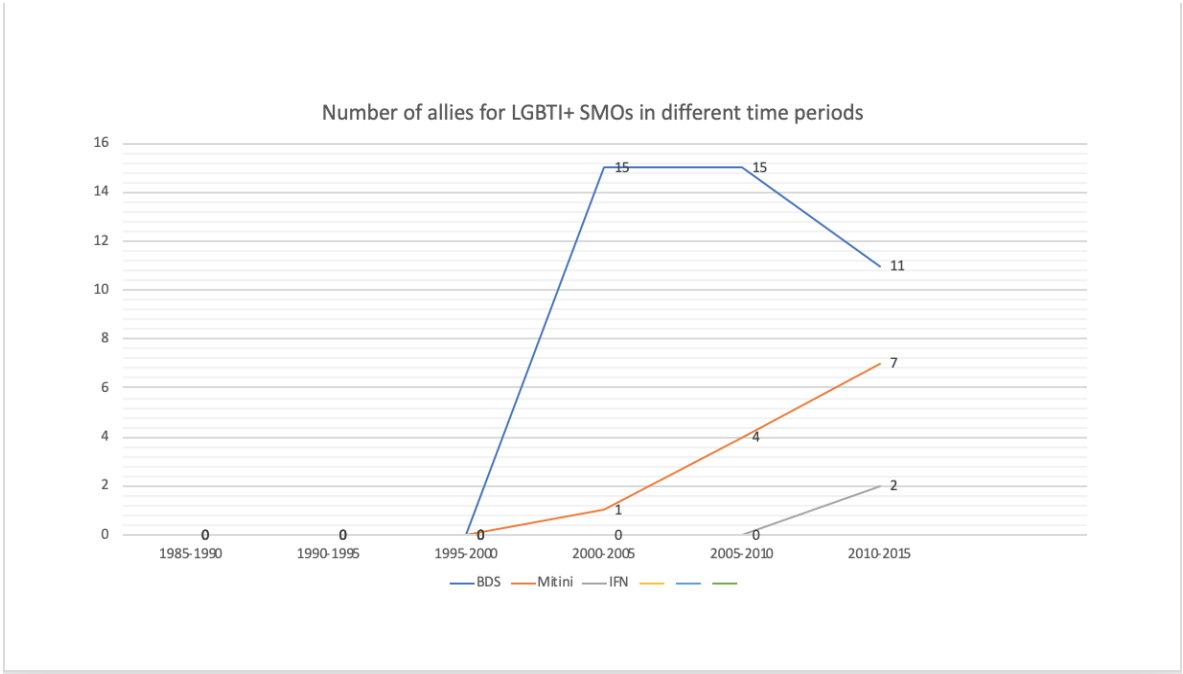

Figure 5.3: Number of allies for LGBTI+ NGOs in different time periods.

5.6 Conclusion

In this chapter, I have argued that HIV/AIDS related resources and social networks have been central to BDS's establishment, organisational development and expansion and that this relationship has indirectly but closely facilitated the emergence of an LGBTI+ movement in Nepal. I first discussed the role played by Sunil Babu Pant's emerging gay consciousness as a young student in Belarus in 1992, his introduction to gay activism and gay activist networks during his stay in Japan in 1997 and the subsequent social capital that helped him become part of a 'global' gay rights movement through AIDS activism for MSMs upon his return to Nepal in 1999. Being part of what Seckinelgin (2017) calls the 'Global AIDS' has been 'a catalyst for the emergence of gay and lesbian identities and politics in many developing countries' (Roberts, 1995). However, the processes involved in such emergence is more complicated than Roberts' (1995) idea of 'gay identity migration' from the modern, resource-rich countries in the West to the 'developing' countries in the Global South.

In the context of Nepali LGBTI+ politics, my findings provide a new understanding of the critical role played by collective identity categories like MSM or *meti* in directing resources to the first organisation established with the purpose of mobilising for LGBT rights. The impact of funding structures on identity politics within LGBT movements is not a new

observation and especially not in resource poor settings (see Ghose, Chandra and Kroehle, 2019; Cohen, 2005). However, this has barely been acknowledged in Nepal's context except briefly in Boyce and Coyle (2013). In this chapter, I extend this argument to a considerable extent by showing how identity categories like *meta* and *meti* were consolidated by BDS under a broad MSM category, however amorphous (Plummer and Porter, 1997) and problematic (Raimondo, 2009) the category has been[56]. This supports Harper and Parker's (2014) study in Nepal highlighting the effect of HIV related aid in the creation of new forms of identity politics within another category of affected group - the injecting drug user (IDU).

As Seckinelgin (2017) argues in the context of the politics of Global AIDS, the prioritisation of biomedical knowledge within the funding regime on AIDS has meant that the focus of such aid has been on providing technical expertise and services to counter the disease rather than on engaging with the contextual structural inequalities that contribute to the problems encountered by those affected with the disease. Harper and Parker (2014) note a similar tendency in HIV work with IDUs in Nepal funded by new centralised funding structures like the Global Fund, which is also one of the biggest donors for BDS. I have extended this analysis to the 'risk group' of MSMs which comprise of diversely identifying non-heterosexual people assigned male at birth, and who comprised BDS's only constituency until 2005 when it took under its wing two lesbians. In these early years, BDS activists were discouraged by their HIV/AIDS donors from engaging in activism on sexual rights. Even when HIV/AIDS-related funding continues to comprise a significant proportion of BDS's financial resources and professional networks, the utilisation of the financial resources have mostly been limited to the delivery of services to counter the spread of HIV. Limited financial resources from this pool has also been used to further BDS's activism on LGBTI+ rights, but these have been limited to funding one-off events.

Despite this, the LGBTI+ movement in Nepal in its current form would not have existed without HIV/AIDS related resources and networks. Transnational allies like the gay activist in New York and the access to resources and networks facilitated by them were crucial in a context with little domestic recognition or support for sexual rights, gay rights or AIDS intervention work for MSMs. Caught between what Morreau and Currier (2018) call the

[56] Scholars have argued that the focus on same-sex sexual behaviour as indicated by the MSM category had distorted public knowledge about AIDS, often taking attention away from other practices like intravenous drug use among gay men that could put them at more risk of contracting the disease (Raimondo, 2009), or by taking attention away from other elusive groups that could not be easily identified as MSMs in non-Western contexts (Plummer and Porter, 1997), or by stigmatising racial and sexual Others even within the West (Raimondo, 2009).

'queer dilemma', activist organisations in resource-poor settings have instead utilised a 'hybrid strategy' by incorporating a public health programme like HIV/AIDS intervention work alongside LGBT rights activism. The recognition of such a hybrid strategy adopted by activist organisations also recognises the agency of these activists in mostly resource-poor settings.

This agentive aspect of LGBT organising in resource-poor contexts is overlooked by theorisations like Massad's (2002) on the 'gay international' that focus on unidirectional flows of resources and discourses from the Global North to the Global South. Although the flow of financial and technical resources follows this pattern as is evidenced in this chapter, such flows do not mean that activists in the Global South are always and entirely dependent on resources from the Global North. 'Local' activists like Pant are, in fact, simultaneously located in the 'transnational' and are able to actively mobilise diverse networks of bilateral and multilateral donors, as well as regional and international activist allies in directing resources to their organisations.

Additionally, this chapter has shown that 'international' entities like the FHI and UNAIDS offices in Nepal have had to rely on 'local' activists and representative organisations to facilitate their HIV/AIDS intervention work among what were essentially hidden groups of men. Thoreson's (2014) study on *Transnational LGBT Activism* carried out by the International Gay and Lesbian Human Rights Commission (IGLHRC) in New York emphasises the significance of such 'local' partnerships without which transnational LGBT advocacy cannot be carried out. While Thoreson's (2014) focus on IGLHRC and its Africa programme in South Africa does not provide the space for a regional analysis, my study has highlighted how regional networks like the Naz Foundation established in India were equally important for mobilising technical and moral resources for BDS in Nepal. The collaboration with Indian AIDS and gay rights activists led to the most widely recognised legal success for LGBT rights in the country in 2007 - i.e. the legal recognition of what was emerging as a regional category of third gender (discussed in Chapter 6).

By focusing on the case study of one movement with multiple national actors and their networks with transnational allies which have provided them access to different types of resources, this chapter importantly highlights the exclusive ways in which transnational solidarity works - opening up spaces for some while closing down possibilities for others (Seckinelgin, 2009). BDS, with its first group of *meti* volunteers under the leadership of a

gay activist - Pant - had the legitimacy to seek resources from what was the only resource pool available for queer organising in the country in the early 2000s. This required the mobilisation of social, cultural and - to some extent - economic capital by the high-caste, educated, and cisgender Pant, which were not available to the mostly Nepali speaking, working class and migrant 'effeminate' men cruising in Ratnapark in the country's capital city.

Besides class and caste being a determining factor in access to elite social spaces in Nepal including what Harper (2011) defines as the 'walled off' geographies of international aid, the other crucial factor determining activists' access to resources within the LGBTI+ movement in Nepal has been gender. This is reflected in the marginalisation of LBT organisations from both HIV/AIDS and LGBTI+ resources and networks that BDS has access to (discussed in further detail in Chapter 6). One reason for this is pointed out by Altman (1997) who explained the exclusion of lesbians from his study due to his subjective position as a white, gay intellectual but also due to 'the ways in which international AIDS politics have opened up space for homosexual men but not women' (p.418). The individual transnational allies that Pant and BDS were able to capitalise on were also mostly male and often - though not always - white.

These allies from the HIV/AIDS resource pool - whether individual or organisational - have often overlapped with BDS's allies from the LGBTI+ rights resource pool. Even though there was no funding specifically allocated to rights-based work in the early years of BDS's organising, this chapter has shown the organisation was able to gain access to crucial regional and global LGBTI+ allies *through* its HIV/AIDS allies, particularly when these allies were also part of similar movements or collective action in other countries. All of this supports the overarching argument of this thesis that resources operate within a cycle where access to one reinforces access to others. Central to this cyclical effect are not just the social spaces shared by activists within common networks, but also the collective identities they share with each other - identities that were sometimes collectively forged under the limitations and possibilities within the given context.

Chapter 6: Rights-based resources, identities and LGBTI+ activism in Nepal

6.1 Introduction

This chapter focuses on answering the third and final sub-question of this study: What is the relationship of human rights-related resources to the work of LGBTI+ NGOs and the use of collective identities in Nepal? The chapter specifically focuses on the second of the two resource pools identified before, i.e. resources available for rights-based work. In the context of this study, these resources can come from various sources. Section 5.4 in Chapter 5 analysed how HIV/AIDS networks can also provide financial, technical and moral resources for rights-based activism. This chapter focuses on the social networks and financial, technical and moral resources (see Chapter 5 for concepts) provided by these networks explicitly working in the field of and supporting work on human rights, women's rights and LGBTI+ rights. In principle, resources from these diverse rights-based allies and donors could go to any organisation working on LGBTI+ rights in Nepal. However, as this chapter shows, each of the three LGBTI+ NGO in this study - the Blue Diamond Society (BDS), Mitini Nepal and Inclusive Forum Nepal (IFN) - have hierarchical access to these networks (i.e. human rights, LGBTI+ rights and women's rights) and hence the resources available through these networks.As a result, this has led to differential access in resources whereby the hierarchies between the LGBTI+ NGOs in Nepal is further reinforced, which has led to deep fissures within the movement in relation to recognition of identities and issues that inform the movement agenda as well as the distribution of resources to organisations and the issues they address. I argue that it is the nature of the rights-based networks and the resources they provide access to that have further entrenched such marginalisation of certain groups of people (like lesbians) and certain issues (like sexual rights).

Additionally, differential access to resources is also influenced by how 'LGBTI+ rights' have been framed in Nepal's socio-cultural and political contexts. However, the ability of NGOs to utilise the political opportunities available within such contexts and the framing of rights accessible therein is also influenced by subjective positions of leaders of the NGOs (like gender, caste, ethnicity, social and cultural capital); the level of professionalisation of the NGO which in turn is influenced by the technical and moral resources it has access to; the legitimacy accorded to organisations by outsiders (like donor and transnational allies) which helps cement an organisation's position as the true and often only representative of

all LGBTI+ people; and, finally, transnational LGBTI+ rights campaigning that has privileged legal advocacy on issues like decriminalisation and marriage equality.

According to the Global Resources Report (2018), LGBTI funding in Asia and the Pacific between 2015 and 2016 amounted to a total of USD 22.5 million granted by 53 foundations, corporations, intermediaries, government donors and multilateral agencies (p.33). Out of this, 'human rights' issues received the largest share of funding (48%) followed by 'health and wellbeing' (28%) (Global Resources Report 2016, p.37).However, a closer look at the table on the same page with a breakdown of issues funded shows that it is not clear what most of this funding was aimed at since the data presented in the report refers to 'general' human rights based work received almost all of the funding for LGBTI work (i.e. 42% out of the total 48%). Within the overall breakdown of issues on LGBTI work, those focused on strengthening communities, families and visibility received minimal funding (6%), followed by programmes and projects addressing economic issues (4%), out of which housing and homelessness received less than 1% and labour and employment issues received none. Similarly, issues confronting violence, homophobia, biphobia and transphobia received 2%, and issues on sexual and reproductive justice and rights received no funding in 2015-16, though issues on sexual and reproductive health received less than 1% of funding. Similarly, issues addressing 'gender identity protections' received 3%, 'Challenging Anti-LGBTQI laws' received 2% and' migration and refugee issues' as well as 'nondiscrimination protections' received less than 1% of the total funding. Since it is evident that a lot of the visible advocacy around LGBTI+ rights in recent years has focused on decriminalisation and marriage equality - as has also been the case in India and Nepal - these data do not provide a clear picture of how funding for 'general' human rights work have been utilised.

What is evident from the Global Resources Report (2016) is that issues affecting the most marginalised in terms of socio-economic status, age, gender identity, relationship with families and sexual rights among others have received minimal financial resources. A repercussion of this is that LGBTI+ NGOs in the Global South like BDS do not receive the financial support needed to address these issues that affect the LGBTI+ people they mostly work with. Importantly, this minimal funding for 'LGBTI issues' as provided by the 53 foundations, corporations, intermediaries, government donors and multilateral agencies have been completely inaccessible to smaller NGOs independent of BDS like Mitini Nepal and IFN. Instead, these small lesbian organisations have relied on feminist philanthropic organisations inside and outside the country, of which only one is inside the country. Those

outside the country, on the other hand, are not available to IFN partly due to its strategic interest in political lobbying but also due to the lack of capital required to successfully bid for funding like the capacity to read and write in English, or to prepare technical monitoring and evaluation reports for donors. The lack of funding for LBT NGOs, especially from women's organisations that offer more flexibility to local organisations like IFN than mulitlateral or bilateral donors might, is also reflective of the lack of adequate resources for feminist movements in general around the world. One study reported that only 1% of gender equality funding goes to women's organisations (Staszewka et al., 2019).

Outline

Following from the considerations above, this chapter is outlined as follows: The first part of the chapter (Section 6.2) examines how collective identities were forged within the socio-cultural and political climate of the country by simultaneously contextualising this process within regional and global networks of allies, particularly those working on highlighting human rights violations against LGBTI+ people globally, and Indian activists working against Section 377 in India. In order to analyse the relationship between resources, networks and collective identities, this section will divided be into two sub-sections. Section 6.2.1 will discuss the utilisation of national and transnational human rights discourses and networks in formulating a rights-based agenda by BDS between its establishment in 2001 until the well-reported case of the arrests of 39 *metis* in 2004. Section 6.2.2 will then analyse how collective organisational and movement identities were consolidated during the framing of LGBTI+ rights in Nepal. The section will analyse how national political opportunities were utilised by BDS leadership that successfully led to a collective movement identity of 'sexual and gender minorities' that continues to be used by all NGOs without contestation. This will be contrasted with the more disputed transition of the movement - then represented exclusively by BDS - into lobbying for the legal recognition of a 'third gender' identity category through the 2007 Supreme Court petition filed by BDS and three of its CBOs. These discussions emphasise the parameters within which LGBTI+ rights have been framed in post-conflict Nepal, centralising the role of transnational allies and the political opportunities that could be capitalised on at those points in time.

The second part of the chapter (Section 6.3) will focus in depth on an analysis of the rights-based resources and networks that each of the three NGOs are embedded in. Such an analysis shows how distinctive and exclusive these networks are, where the rights-based allies and

donors of each of the three NGO do not overlap to a large extent. As discussed in this section, the LBT NGOs receive some financial and even less technical and moral resources, exclusively from feminist and women's rights organisations that do not have ties with BDS. In contrast, BDS is able to acquire considerably more financial, technical and moral resources from bilateral and multilateral donors, UN agencies, international LGBTI+ rights organisations, human rights organisations and transnational LGBTI+ solidarity networks. Such extensive acces is partly because of BDS's already existing ties to HIV/AIDS networks, which sometimes intersect with LGBTI-rights networks as shown in Chapter 5. However, it is also because increasing access to resources and networks provide the organisation with extensive visibility in comparison to the LBT NGOs. For instance, more financial resources for BDS's rights-based work by a bilateral donor has meant that it has a separate wing exclusively dedicated to media advocacy, complete with a radio station of its own, and has dedicated counselling centre in the head office and counselling staff in affiliated CBOs.

The networks for BDS's rights-based work that have provided technical and moral resources include transnational networks of LGBTI+ activist organisations and human rights organisations like the Internatioal Gay and Lesbian Human Rights Commission (IGLHRC, now known as OutRight Action International), Amnesty International, Human Rights Watch and the Naz Foundation Trust in India among others. Donors have included a mixture of bilateral donors, UN agencies and LGBT INGOs. Bilateral donors include the United Kingdom's Department for International Development, the United States Agency for International Development, the Norwegian Agency for Development Cooperation, and Australia Aid. They also include embassies based in Nepal like the Royal Norwegian Embassy, the British Embassy, and the US Embassy. Multiateral donors include UN agencies like the UNDP and the World Bank, while the Norwegian National Association for Lesbians, Gays, Bisexuals and Transgender People (LLH in Norwegian, but now renamed to FRI) was the sole independent organisational donor identified during the study. In addition to this, BDS has also been provided research support by individual researchers like Paul Boyce and Kyle Knight, and organisations like the Astrea Lesbian Foundation and the Williams Institute. Only some of these allies and donors will be included in the analysis for this study, mostly those for whom data was available during interviews and document analysis.

In contrast, there were only two individual domestic allies from two separate women's rights organisations identified by activists in Mitini Nepal and Inclusive Forum Nepal during

personal interviews for this study. Only one of them provided financial and technical resources to both the organisations. This is a national level feminist philanthropic organisation called Tewa (translated as 'support'), which has extensive regional and international networks with other feminist organisations. Ties with the founder, Rita Thapa, were credited by activists in both organisations for their access to the minimal support they get from domestic allies. The other organisation mentioned by activists from both the LBT NGOs was WOREC (Women's Rehabilitation Centre), which mainly provided moral resources and solidaristic support to both organisations. Both Tewa and WOREC work on sexual rights and Tewa has a specific programmatic focus on promoting LBT rights. In addition to these, Mitini Nepal also had ties other women's rights and feminist organisations outside Nepal which provided both financial and technical resources. As is illustrated in Figure 6.1 below showing network ties of LBT activists across the three organisations, the ties for Mitini Nepal reveal dense, cross-cutting alliances between the two domestic allies and international women's rights organisations.

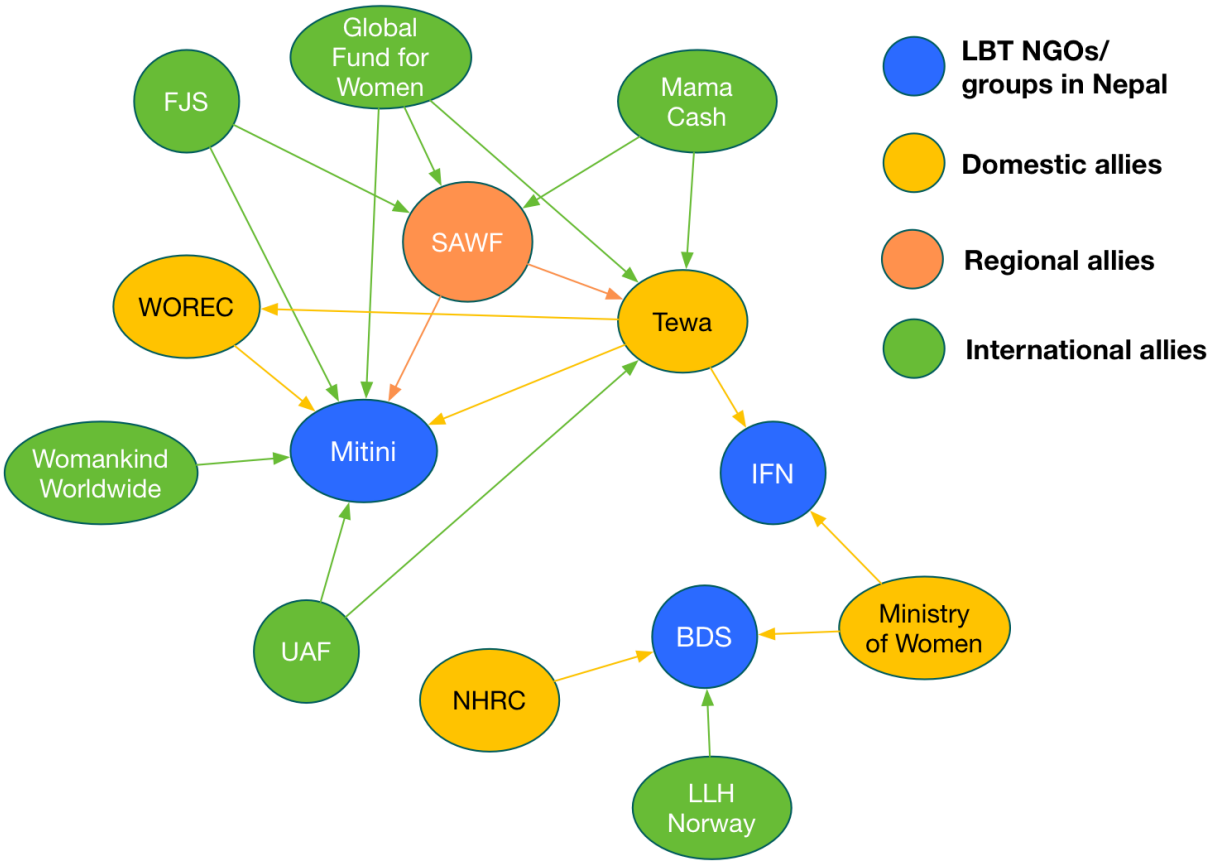

Figure 6.1: Allies and donors for LBT activists in Nepal

This figure will be referred to in further discussions on resources and networks for LBT activists in Nepal.

I will also briefly juxtapose the relationships of all NGOs with these transnational allies and donors against their relationship with domestic state and non-state actors engaged in human rights work – mainly the National Human Rights Commission (NHRC), a government body, and a leading human-rights NGO in Nepal, the Informal Sector Service Centre (INSEC). Both Mitini Nepal and IFN did not appear to have any ties with the NHRC and INSEC. In addition to the above actors, there were also individual allies like human rights workers, lawyers, and activists who were either based outside the country or worked in the country as expats and who worked closely with Pant in supporting the movement at various points in time. Some of them were interviewed for this study and I will use quotes from these interviews only when they illustrate the significance of network relationships to BDS or to the overall movement. The individual actors, however, will remain anonymous except when they have given me permission to use their names. I will only do so in instances where publicly available documentary evidence of their involvement needs to be substantiated through their personal accounts.

6.2. Collective identities and agenda-setting for rights-based advocacy in Nepal

6.2.1 Utilisation of (trans)national human rights discourses and networks in formulating a rights-based agenda by BDS

In Nepal, Pant made use of multiple strategies available to him at the time in developing professional networks with both donors in Nepal and activists outside Nepal. Although the earliest HIV/AIDS allies like FHI/USAID and UNAIDS facilitated such network building by providing financial resources to Pant for travels, these resources were mainly meant to facilitate HIV/AIDS intervention work and related networks. As mentioned in Chapter 5, BDS's HIV/AIDS donors had warned Pant against 'misusing' office space and resources for work that fell outside of the purview of HIV/AIDS and sexual health, so much so that they would delete the term 'sexuality' from final reports on their work with BDS. While this specially pertained to donor government policies like in the case of USAID (which does not fund work on abortion rights or the rights of sex workers, for instance), donor hesitance towards adopting a social justice approach, or more specifically a human rights approach in this case, was also driven by the prevailing national political climate in Nepal. As Oestrich

(2018) records in the context of an increasingly violent Maoist insurgency in Nepal (1996-2006) alongside rising ethnic assertions, rights-based work by UN agencies was seen as 'too political and a dangerous interference in the internal workings of member states' (Oestrich, 2018, p.266). Oestrich (2018) adds that a human-rights based approach to development has only recently been made central to most multilateral development agencies' work in Nepal including the UN (Oestrich, 2018, p.267).

During this period of national turmoil, Pant instead utilised networks of transnational allies based in and out of Nepal not just to establish BDS as discussed in Chapter 5, but also to continue his rights-based work as will be discussed throughout this chapter. Among these networks with transnational allies, ties with regional MSM organisations and activists who worked with those from similar backgrounds as *metis* have been one of the most significant for BDS. This is particularly true of networks established via the Naz Foundation in India[57] to include other MSM organisations like Humsafar Trust (India) and Bondhu Social Welfare Society (Bangladesh). Through its Asian Region MSM AIDS Network (ARMAN), Naz had facilitated 'networking, sharing of information and skills, as well as regional support to MSM sexual health projects' through its 'partner agencies' (amfAR, 2006, p.31). Notably, Naz - and likely the other MSM organisations in the region - received funding and technical support from many of the same international institutions who have worked with BDS in Nepal - I.e. amfAR, DFID, Elton John Foundation, FHI, UNAIDS and USAID among others (amfAR 2006, p.31).

Three BDS activists who have been with the organisation since its early years and who were interviewed for this study noted Shivananda Khan - the founder of Naz - as one of their earliest allies. He was reported by these activists to have visited BDS between 2001 and 2002 for 'capacity building' - more precisely to provide guidance on how to conduct HIV outreach work amongst MSMs. Pant, however, pointed out during an interview for this study that allies within Naz - who remained unidentified during the interview - discouraged him from adopting an overtly political agenda of gay rights. The activist related,

> "[in Nepali] Their 'pure focus' was on 'MSM health'. [In English] I was very clear and they did not agree with me before and uh…they said it would be highly dangerous to talk about rights. [In Nepali] But I said we would talk about 'rights'. HIV is also important...[In English] because there's a need - and also funding - but I used to say we can't not talk about rights...Then later during the state of emergency when the issues of 'arrests' and 'detentions' came up a

[57] See https://sogicampaigns.org/portfolio/how-campaigning-has-contributed-to-the-decriminalization-of-homosexuality-in-india/

> lot...they used to tell me this is what happens. My argument was that we can't postpone these things to the next 'generation' just because there's a 'backlash'. We need to address it now, 'fight' now. So if there's 'backlash', let it be now."

In the quote above, Pant points out that he could not envision BDS limiting itself to a public health approach that he says MSM organisations like Naz often adopted, while ignoring other immediate concerns around social justice - in this case arrests and detentions by the police. Pant claims that BDS was distinct from other MSM organisations in the region which were predominantly concerned with HIV/AIDS service delivery - i.e. these other MSM organisations adopted a public-health approach as opposed to the social-justice approach (as classified in Currier and McKay, 2017).

However, this cannot be verified since Naz reportedly had in-house lawyers like Aditya Bandopadhyay working on documenting human rights violations against their broader constituency. Naz had also filed the landmark petition against Section 377 in the Indian Supreme Court in 2001 alongside the Lawyers' Collective. As Pant himself verified later during the interview for this study, Bandopadhyay had visited BDS within the first year of its establishment and advised Pant on legal matters concerning human rights violations. "He was the one who taught me informally," Pant said of the latter, "It was not even a training. He taught me how to 'document human rights abuse'…a simple thing…how to turn that into a 'call' or 'petition'. He showed me an example and that was a great help."

In the subsequent years, Pant and his team at BDS judiciously recorded any incident involving police harassment as well as cases of abuse and discrimination in other spheres of public and private lives. Detailed records of the case were meticulously maintained along with gruesome pictures of the victims and survivors, response of the authorities to those incidents and how BDS intervened in each case. This is comprehensively recorded in an undated report prepared by an advocate on behalf of BDS titled 'Documentation of Human Rights Abuse and Media Report: A Review', in which incidents and reports on rights violations between 2000 and 2010 are included. Most of the cases included in the 50 page document between 2000 and 2003 are cases of abuse of MSMs, *metis*, 'cross-dressing men', 'homosexuals' and 'gays' by the police. After 2003, records within the report are seen to refer to *metis* as 'transgender'. A more detailed analysis of the labelling of *metis* as 'transgender(s)' will be discussed in a section later in this chapter on 'Transitioning into the third gender'. However, for now, it is important to analyse why such meticulous documentation of violence at the hands of the police or other state security forces was important for BDS to maintain.

As mentioned elsewhere, the most persistent forms of abuse and discrimination faced by people within the broader LGBTI+ community are not just from law enforcement officers but also from family members (CREA, 2012), health care workers (CREA, 2012; UNDP and Williams Institute, 2014), government officials and the general society (UNDP and Williams Institute, 2014). This begs the question of why, then, have violence perpetrated by the police received much of the international response. This will be analysed in the rest of this section through the case of the arrests of 39 *metis* in July 2004.

According to an undated internal organisational report by BDS recording its documentation of human rights violations between 2000 and 2010, four *metis* in Kathmandu were forced into a police van and robbed, beaten and raped by the police on 25 July (BDS, undated Microsoft Word file and with no page number stated). On 9 August, when *metis* and BDS activists protested against it in a public demonstration, 39 of them were arrested without a warrant and detained for 15 hours with no provision of food or water.

From records during this time as well as interviews with BDS activists, this incident drew 'unprecedented international media and human rights attention' (Knight, 2015b, p.2). From BDS's own records in the report discussed above, there is a sudden spike in reports and calls for action from international actors like Amnesty International, IGLHRC, UNAIDS, the Coalition of Asia-Pacific Regional Networks on HIV/AIDS (The Seven Sisters), Human Rights Watch and Sidaction 'in cooperation with Act Up-Paris and Inter Centers LGBT' (BDS, n.d., no pagination). Only one national ally is recorded - the Forum for Women, Law and Development (FWLD), a legal aid organisation mainly working on women's rights. The Amnesty International published a petition titled, "Petition (Urgent Action) Nepal: Safety of arrested transvestites (metis), from AIGL Switzerland") and urged allies to sign a letter prepared by BDS calling for government action. IGLHRC did the same while UNAIDS, Geneva called for the release of the 'AIDS activists'(UNAIDS, 2004). All of them used various identity categories to signify the same people, sometimes using a new category - transgender - that was not seen in earlier reporting by BDS or by the national media. Similar incidents in 2005 drew a protest from OutRage! in the UK of the Nepal Embassy in London (Tatchell, 2005) and a report by the Human Rights Watch on a purportedly 'sexual cleansing drive' by the Nepal police.

International solidarity extended during this time not only coincided with the use of the 'transgender' category within BDS reports and subsequent activism - most notably during the Supreme Court petition in 2007 - but also provided considerable moral support and

visibility to BDS within the country and outside. As Pant recounts during the interview for this study,

> "[in Nepali] Amnesty International wrote a lot of letters then. Many others did as well but what Amnesty did then was a 'major campaign' [in English] which was very crucial at that time…[in Nepali] they asked their 'world-wide members' to write 'greeting cards' in the name of Blue Diamond.So then hundreds of thousands of people 'internationally' sent cards then and [in English] the post office was overwhelmed then. [In Nepali] *Bora-ka-bora* (sacks-upon-sacks) of 'greeting cards' almost every week was brought to (our) office [in English] and that was a *big* moral boost for us. [In Nepali] I used to show and tell the 'community' every time…[in English] we used to celebrate opening those sacks… "See how many supporters we have 'internationally'! You needn't be afraid." [In English] That message reached…I heard that message reached to the police and (they felt) Blue Diamond Society is not a small organisation. They have support from worldwide and they're receiving…it was, like, *continuously* for *four* months! *Bora-ka-bora* from Africa, Latin America…from activists…Amnesty's members...[in English] So that was a small thing I think for them to do but that has a *massive* impact…I don't know what they do (but) for *four* months *bora-ka-bora*…hundreds of thousands would send…this 'message' was widely talked about then…so it lessened 'police brutality'…"

From Pant's accounts above and further in the interview, it was international allies from Amnesty International as well as Human Rights Watch who supported BDS's rights-based advocacy then. While there were no national allies except the women's legal aid organisation FWLD as mentioned before, Pant explains that possible regional allies like the International Lesbian and Gay Association in Asia (ILGA Asia) or the Asian Human Rights Commission were either 'too small' or did not have the 'expertise' to provide such moral resources, or to be seen as powerful external institutions by national actors. Pant instead says, "[in English] IGLHRC was *more* proactive…than ILGA...[in Nepali] IGLHRC (facilitated) 'contact', wrote 'letters'…then also (invited) to 'conferences'…mostly organised 'campaigns', 'letter writing', 'petitions'." International LGBTI+ and human rights allies, then, provided BDS moral resources when this was not forthcoming from national human rights activists and regional MSM organisations.

While Pant had some idea of how cases of police violence would invite international attention, he had little idea how big the show of solidarity would be as evidenced by his surprise from the quote above. However, he and his staff at BDS had little luck getting any sympathy from national human rights defenders when the former eventually wanted the state to address such violations. According to a transnational human rights ally who worked

closely with BDS since 2005/2006, this was mainly because of the framing of human rights dominant during the domestic political climate then as described in the quote below.

> "I think the people that were in the key human rights organisations, that were mainly lawyers looking at conflict era violations of human rights […] So everybody was talking about transitional justice, and documentation of cases and how the transitional justice process was going to look. And the LGBT community were effectively being left out of that. So we tried...I tried to engage or create a space that was...me and others, not just us....but create a space where the LGBT folks could engage with the more mainstream human rights defenders [...] (But) people would turn up at those meetings and they'd talk about LGBT rights, which was not the way you'd engage with human rights lawyers working on torture. And they were very clear, 'talk to me about torture'. So basically we ended up in scenario where the LGBT folks thought everybody was discriminating against them, because they wouldn't take up their cases. and what the human rights people were saying was that, 'We're not going to take up your cases because we don't work on LGBT rights. *You* work on LGBT rights if there's such a thing. *We* work on torture. We work on enforced disappearances. We work on extrajudicial killings. We work on displacement. We work on all these other serious things. If as LGBT people if you are to come to us and say you had been tortured, we will pick up your case.' [...] there were people from INSEC (i.e. a national human rights organisation) but it was predominantly Advocacy Forum...X from Advocacy Forum. And I can kind of understand why X sort of lost it. They were basically calling X a homophobe. And X was saying I'm not a homophobe...there's no such thing as LGBT rights. I work on torture. So talk to me about torture. Are you being tortured? We had tried to sort of...say that we need to train these folks on what human rights are. So stop talking about LGBT rights [...] (Part of my work with) the LGBT defenders was (to help) them engage with the mainstream and be able to discuss cases of torture, cases of mistreatment, enforced disappearance. Talk...learn the language of the human rights community... learn the language of the UN human rights system...right...because you know we were way off...then nobody was dreaming of a Special Rapporteur or Expert on sexual orientation or gender identity."
>
> (personal interview with Ally 2, international human rights NGO, Kathmandu, 28 October 2016)

Working under the framework of the United Nations Convention Against Torture (UNCAT), human rights advocates in Nepal were preoccupied with documenting rights violations within the context of a civil war between the Maoists and state security forces. As the ally above stated earlier in their interview, rights-based work was highly 'compartmentalised' in Nepal, with different organisations working on different kinds of rights like women's rights, LGBT rights or civil and political rights in the case of the Advocacy Forum and INSEC mentioned above. As the conflict between the Maoists and the state security forces intensified post-9/11 with increasing military aid from the US and Indian governments (Amnesty International, 2005), the resultant peak in violence had drawn international attention to Nepal. During this time, the Office of the High Commissioner on Human Rights

(OHCHR) sent an assessment mission to Nepal in 2005, and set up an office in 2006 to monitor the human rights situation and to help 'strengthen the national capacity to protect human rights' by working directly with the executive, legislative and judicial branches of the government as well as with the civil society (OHCHR, n.d.). It is not surprising then that during this politically charged climate, 'human rights violations' were interpreted as 'torture', 'disappearances', and 'mistreatment' as mentioned in the quote above – perpetrated either by the state security forces or by the Maoist insurgents. According to BDS records of human rights violations as noted in BDS (n.d.), there was only one case of violence by the Maoists - the abduction and detainment in 2007 of two young women in a relationship with each other upon the request of their families who did not approve of the relationship (BDS, n.d., pp.26-27)[58]. However, there were more cases of 'torture' of *metis* by the police documented by BDS due to various reasons - one, because these were already occuring; second, because these cases of violation happened in public spaces whether they be streets or police stations; and third, because it was more difficult for lesbians - and gay men for that matter - to come out openly to BDS to document their cases of abuse, where the perpetrators were more likely to be family members, friends or partners rather than outsiders like the police.

Whatever the reasons for lack of documentation on rights violations of other groups besides *metis*, the cases of violations that carried more weight under the dominant framework of human rights within Nepal did not allow the space for violations perpetrated in private spaces, by private actors. As the quote above shows, the focus on 'torture' - specifically by state security forces or the Maoists or both - meant that the only cases that could be legitimated by human rights defenders in Nepal were the cases of *metis*. As the ally points out in the quote above, human rights allies of BDS 'train these (i.e. BDS) folks on what human rights are' - BDS activists had to 'learn the language of the human rights community...learn the language of the UN human rights system' in Nepal. However, the extent to which this 'training' had to be imparted by transnational allies like the one quote above cannot be determined, especially because it is not clear from Pant's interview for this study whether his strategies were solely attributed to himself or also to the many influential people he already had as his allies. However, what is clear from these interviews is that the

[58] In April 2006, though, BDS had joined the Maoist party alongside six other political parties in the democratic movement against the then King, and the subsequent Maoist government elected in 2008 had allocated funds (albeit meagre) from the government budget for LGBT rights for the first time in the country's history. The first person to be legally recognised as a third gender with a citizenship card under the 'other' category in September 2008 was also under this Maoist government.

prevailing domestic climate provided him the political opportunity to mobilise moral resources through those working on human rights. As he recounted during the interview for this study,

> OHCHR had *such* a big power at that time. The most *powerful* UN body. [...] I called and got an appointment…I asked for some time. (I said) We are from a marginalised community, and that we had been facing 'abuse'…I had cases, 'evidence'…I wasn't lying. It was the truth. I told about both sides - that the 'abuse' had happened from PLAs (People's Liberation Army) as well as 'security forces'. Since it had happened from both sides [...] especially the ones from Terai…it was very difficult for the *natuwas, hijras*. There were more security forces on the streets during the emergency - they would 'abuse' at night [...] they have to go to villages and they don't know if it's going to be day or night. Then the police or 'army' or 'armed forces' would 'check' them and 'rape' them there, then release them. At the other end, there were the Maoists - they would also 'rape'." (personal interview with Pant for this study)

There were no cases of rape committed by the armed forces or the Maoists as recorded in the undated BDS report discussed throughout this section, though later or different records might have these cases documented. BDS-affiliated CBO staff outside Kathmandu also reported such abuse by the police during personal interviews and a focus group discussion, though documentation for such could not be obtained from the CBO since all such records were directly entered into an online system managed by the BDS head office in Kathmandu (personal interview with CBO staff, 2 August 2017). Whatever the case - as is evidenced in availabe BDS records (BDS, n.d.) of police violations in Kathmandu - the arrests of the *metis* and/or 'cross-dressing men' as mentioned before, were made on charges of public indecency, supposedly due to public solicitation of transactional sex by *meti* sex workers in the streets of Thamel. As the BDS ally pointed out during an interview for this study, "...you're on the streets, you know, and the law says you're not allowed to solicit. You are being arrested for *soliciting*, not because you're transgender. You're being arrested because you're soliciting…(which) is a criminal activity in this country. Why are you not campaigning to decriminalize sex work?" (personal interview with Ally 2, 28 Octoer 2016)

While their gender non-conformity was most likely a contributing factor, the vulnerability of *metis* was heightened not simply because they were gender non-conforming, but also because they were seen by the police as sex workers in the streets and the nightclubs they frequented. The case of the *natuwas* above as mentioned by Pant seems to be a similar case. While these cases cannot erase the fact that *natuwas* and *metis* are easier targets for the police because of their visible gender non-conformity due to the way they present themselves, it is also important to remember that those who identified as such often came from precarious

socio-economic backgrounds which partly led them to their profession as dancers in the case of *natuwas*, and to street-based sex work in case of the *metis*.

However, these socio-economic factors that push *metis* and *natuwas* into precarious work, but also the overall precarious situation of sex workers regardless of their gender, have not formed a part of BDS's rights-based lobbying. As pointed out by the ally and as confirmed by BDS activists in this study, BDS does not advocate for the decriminalisation of sex work, nor does it work in collaboration with sex workers' organisations in the country on rights-based advocacy. The only tie BDS has with a national network of female sex workers in Nepal - the Jagriti Mahila Mahasangh - is through their joint membership in the Right to Women's Health group coordinated by the UNAIDS for reducing HIV/AIDS among HIV-positive women, women sex workers, transgender women who are sex workers and women who inject drugs (personal interviews with Activist 1 on 17 April 2017 and Donor 5 on 31 August 2017). HIV/AIDS allies and donors interviewed for this study confirmed that they only work on HIV/AIDS in relation to sex workers, and often skirted questions around the more contentious issue of sex workers' rights outside of the public-health approach. As one HIV/AIDS donor representative pointed out, "We can protect sex workers based on other issues except if a sex worker is caught because they are doing something illegal…they're not protected (then)." (personal interview with Donor 3, 23 June 2017)). While it cannot be denied that transgender women are often the most visible and one of the most vulnerable groups, it is important to emphasise how this particular framing of human rights violations that was encouraged to speak the language of torture might have unwittingly overshadowed the rights violations of other groups of sexual and gender minorities (like the LBT group or intersex people) or other kinds of rights violations (like those within families) within BDS programmatic focus.

International allies like IGLHRC and ICJ, on the other hand, played pivotal roles in strategic planning, framing and litigating during the 2007 Supreme Court case. For e.g. IGLHRC - at the request of BDS - sent two Indian lawyers Vivek Divan and Arvind Narrain as observers during the first Supreme Court hearing (Divan and Narrain, 2007 - discussed in the section on Transitioning to Third Gender below). Similarly, ICJ submitted an Amicus Curiae brief on behalf of the petition which introduced the Court to international norms around human rights as stated in the ICCPR, norms around rights based on sexual orientation and gender identity as stated in the YP, and legal precedents set in countries like South Africa (Schubotz, 2016). Similarly, transnational allies like the Human Rights Watch researcher Kyle Knight has further built BDS's profile internationally by publishing various reports and conducting

researches in collaboration with UN agencies, the Williams Institute and the Astrea Lesbian Foundation. As a result, there are more extensive documentations of BDS's work and data pertaining to sexual and gender variance as well as the LGBTI+ movement in Nepal. While these studies and reports make an important contribution to queer archives in Nepal's context, all of them have been conducted in collaboration with only BDS and its affiliated CBOs. This means that the information collected is often skewed towards sexual and gender variant people assigned male at birth.

All of these work then lead to an emphasis within BDS's rights-based work on certain types of rights violations (e.g. by the police), of certain types of people (i.e. those assigned male at birth), which is arguably mitigated through certain measures (i.e. through the 2007 Supreme Court petition in 2007 for legal gender recognition, removal of discriminatory laws, and legal recognition of same-sex marriage). A more extensive analysis of rights-based resources and work by all three NGOs will be done in the final section of this chapter, 'Rights-based resources and networks for the three NGOs'. These processes of framing rights-based agendas and carrying out social justice or rights-based work also led to the consolidation of collective movement and organisational identities around these processes, which is discussed in the next section.

6.2.2 Consolidation of collective movement and organisational identities in BDS's activism

'We are all sexual and gender minorities'

A 2005 report by (Pant, 2005) provides evidence that the term 'sexual and gender minorities' was used by BDS as a collective identity *before* it started using the third gender category in the same vein. Until the time of this report - i.e. October 2005 - BDS seems to have data only for MSMs (men who have sex with men) and MSWs (male sex workers) and still seems to be negotiating the definition of the 'third gender'.

As mentioned before, a ceasefire between the Maoists and the government which culminated in a Comprehensive Peace Agreement on 21 November 2006 put into motion the process of holding the first Constituent Assembly election in Nepal for the writing of a new constitution, which was a long-standing demand of the rebel Maoist forces - then called the Communist Party of Nepal (Maoist). There were high hopes that this new constitution would

address the demands of previously marginalised groups like indigenous ethnic/janajati groups, Madhesis, Dalits and women, hence putting an end to a feudal, patriarchal and exclusionary state under the Hindu monarchy since the last 240 years.

Supporting this process of creating the most inclusive parliament in the history of the country were a number of international actors, one of which was DFID or more specifically its Enabling the State Programme (ESP). The ESP was 'DFID Nepal's flagship governance programme' from 2001 until 2013 working with the Nepali state and civil society in promoting inclusive policies and programmes and strengthening accountability and transparency (DFID, 2013). During this time, the ESP programme supported excluded *minority* (emphasis mine) groups like Dalits and Janjajatis, notably through its implementing organisations Dalit NGO Federation and the Nepal Federation of Indigenous Nationalities. As a result of this, DFID has faced criticism from the ruling class in Nepal for inciting ethnic tensions within the country[59]. Criticisms aside, DFID believed the ESP to have made significant contributions in helping democratise the Nepali state. In a final report celebrating the success of the ESP, DFID credits the flexibility and responsiveness of the programme in being able to respond to shifting social and political landscape in conflict-ridden Nepal and later during its transition to a federal democratic republic. Among its contributions in supporting "pro-poor changes in government policy through technical support to…advocacy organisations", DFID quotes "legal protection and non-discrimination against Lesbian, Gay, Bisexual and Trans-sexual (LGBT) people…[as having]…contributed to Nepal becoming the first country in South Asia to protect LGBT rights (2002)" (DFID, 2013, p.2). The 'legal protection' likely refers to the 2007 Supreme Court petition by BDS. However, interviews with BDS activists as well as organisational reports do not show any evidence of DFID's involvement in this process. In fact, as discussed in Section 6.3.1 below on 'BDS's rights-based resources and networks', BDS had not received any financial or technical resources from bilateral or multilateral donors for its rights-based work until after the 2007 petition. However, as briefly discussed above and further in the section below on 'Transitioning into the third gender', such resources were instead provided by transnational LGBTI+ allies like IGLHRC in New York and the Lawyer's Collective in India.

There is inadequate evidence to support DFID's claim that it helped contribute to instituting legal protection and non-discrimination to LGBT people. However, what is significant for

[59] See Ismail. F (2013), 'The Consequences of NGO Co-option: NGOs, the Left and Social Change in Nepal', PhD thesis.

the present study is the rhetoric used in this process. DFID's commitment to supporting *minority* groups in instituting more inclusive state policies partly - if not wholly - explains why BDS might have used the term 'sexual and gender *minority*' to define its constituency. It is important to highlight DFID's involvement among the many other donors of BDS since BDS activists confirmed during personal interviews that DFID - along with FHI - was one of the first donors to fund them since its establishment. While BDS had operated on a voluntary basis in the first year, Family Health International (FHI) supported an 'MSM HIV programme' later.

A 2005 report authored by Sunil Babu Pant titled Social Exclusion of Sexual and Gender Minorities explains that the study aimed at using the 'research findings as the basis for developing a project document at a later stage for submitting to DFID Nepal's Enabling State Programme (ESP) for support' (Pant 2005, p.9). As explained in the report, 'sexual and gender minorities face an uphill struggle for tolerance, recognition and rights *in a similar way* to Nepal's dalit and janajati communities…' (Pant 2005, p.7, emphasis added). It can then be concluded that the rhetoric of the *rights of minority groups* in Nepal propounded by the various minority groups in the country and supported by bilateral donors like DFID provided the perfect political opportunity for BDS to further its LGBTI rights agenda. From personal interview with Pant, it was clear that DFID did not start funding BDS's rights-based work until 2008. However, the two did start working together through a large grant from the Global Fund for HIV/AIDS intervention work, which facilitated BDS's expansion in 2006.

However, between this period, BDS kept pushing for a rights-based agenda alongside its HIV/AIDS work. The same report mentioned above cites severe funding constraints for 'HIV/AIDS awareness, counselling, advocacy, reducing stigma, discrimination, violence and human rights abuses' within - but more specifically outside - the Kathmandu Valley (Pant 2005, 6). This not only shows BDS's need to approach other donors who might support its work beyond HIV/AIDS intervention but also emphasises BDS's interest in expanding its network within the country to establish more community-based organisations (CBOs). Personal interviews with those who were with BDS during this time repeatedly refer to the year immediately following the writing of the report, i.e. 2006, as the time when they were sent by the head office in Kathmandu to open branch offices in the districts, which usually happened to be the home districts of these activists. This expansion took place right before BDS's landmark petition at the Supreme Court in 2007. Hence, the rhetoric of the *rights of minority groups* in Nepal was finally successfully used by BDS to secure financial resources for its rights-based work.

The next section analyses the role of transnational resources and networks in the consolidation of another collective identity, the third gender.

Transitioning into the third gender

In a 50 page, undated report by BDS titled 'Documentation of Human Rights Abuse and Media Report: A Review' mentioned above, there are only six separate cases recorded on the abuse and harassment of women (primarily by family members and subsequently by the police) who were found to be in a relationship with other women (BDS, n.d.). Although the word 'lesbian' - and a few times, 'lesbianism' - were mentioned 54 times in total in the report, almost all of these mentions were used to refer to the broader community of 'gays and lesbians' or 'lesbian, gay, bisexual, transgender'. Overwhelmingly, in the years between 2000 and 2003, the reports included sexual, physical and verbal abuse, harassment and rape by the police of MSMs, *metis*, 'cross-dressing men', 'homosexuals' and 'gays'. There is no reference to transgender people or transgender women at all in these reports until 2003 when most of the reporting was being done by BDS and by national newspapers like the Himalayan News Service and the Kathmandu Post. However, this changed notably after the highly publicised case of the detention of 39 *metis* by the police in July 2004, and subsequent arrests of BDS staff members who protested against this. The various media reports and their details, including the language they used to signify groups of people are shown in the table below.

Table 6.1: International coverage and reporting of arrests of *metis* and BDS staff.

Date	Reported by	Title of report	Identity categories used	Source
2004	Amnesty International	"Petition (Urgent Action) Nepal: Safety of arrested transvestites (metis), from AIGL Switzerland"	male transvestites (metis)'	Amnesty International, 2004
16-Jul-04	OUTRIGHT Action International (then IGHLRC)	"NEPAL: POLICE VIOLENCE CONTINUES"	MSM, meti, '"cross-dressing" males'	https://outrightinternational.org/content/nepal-police-violence-continues

16-Aug-04	UNAIDS Geneva, Press statement	"UNAIDS CONCERNED ABOUT DETENTION OF AIDS ACTIVISTS IN NEPAL"	AIDS activists; sexual minorities	UNAIDS, 2004
28-Sep-05	OutRage!,	"Nepal Police Bash Transgenders in Kathmandu | Threats to crush gay rights movement in Nepal. OutRage! urges protests to Nepali Embassies."	'gay people and *metis* (effeminate males)'	OutRage!, 2005
13 Jan 2006	Human Rights Watch	"Nepal: Police on 'Sexual Cleansing' Drive Transgender People Routinely Subjected to Physical and Sexual Abuse"	'transgender people', metis, 'gay and meti people', LGBT	https://www.hrw.org/news/2006/01/13/nepal-police-sexual-cleansing-drive

As shown in the table above, while the UNAIDS chooses to call all the *metis* 'AIDS activists', others like Amnesty International and Human Rights Watch call them 'male transvestites' and 'transgender people' - terms that made sense to their Euro-American audience. These were new categories that BDS and the Nepali media did not use in prior reports. However, subsequent records by BDS as included in the undated report start referring to the *metis* as 'transgender'. For instance, as the report reads - 'On 28 August 2007, Bipasha Rai, a 23 year old transgender was walking in the Thamal area at 11pm…'. The second mention of the term 'transgender' as used by BDS is even more significant as it comes within the landmark petition it filed at the Supreme Court of Nepal in 2007. Regarding the demands made in the petition, the BDS report mentions, 'Their demands were threefold: to recognize the civil rights of *transgender* people without requiring them to renounce one gender identity for another; to create a new law preventing discrimination and violence against LGBT communities; and to require the state to make reparations to LGBT victims of state violence and/or discrimination' (BDS, undated and no pagination, emphasis added). 'Transgender', however, was most notably represented by the term 'third gender' in the 2007 Supreme Court decision (discussed later in this section).

Regarding the 2007 Supreme Court petition by BDS, Tadié (2016) argues that 'the law...has been enlisted by the activists and deployed by the Nepalese Supreme Court', through the three acts of codifying, naturalising, and instituting highlighted by Bourdieu, in order to introduce new gender and sexual categories into the public discourse, and thus to institutionalise a "new" minority based on these categories' (Tadié 2016, p.364). Tadié's further concludes that this process of validating new identity categories has led to a 'production of truth' whereby

> '...somewhat ironically, the activists' essentialist strategy to assert their existence as a minority stresses and validates the same principles on which the conception of ethnic groups and castes are based in Nepal. As Gellner (2001:190) writes: "What all Nepali political parties, pressure groups and revolutionaries seem to agree on is an essentialist view of the . . . divisions they argue over. All seem to agree that everyone in the country: (1) belongs to one and only one ethnic or caste group; (2) is born in that group; (3) cannot change their group." These features also affect the activists' and the judges' conception of the new gender/sexual minority, by linking it to "birth" or "nature" and making it a feature that is essential in the definition of the individual's identity.' (Tadié 2016, pp.381-382)

However, I argue that by foregrounding domestic processes as substantive - though giving a brief nod to 'transnational proliferation of gender/sexual categories', reportedly through the Yogyakarta Principles - Tadié's analysis overemphasised the significance of the Nepali Supreme Court in the 'production of truth' about sexual and gender minorities in Nepal. It also runs counter to the author's earlier claim that the discourse of the Court as stated in its final decision is, in fact, the discourse of the petitioners. "Having the same structure and a very similar content," Tadié argues, "one might even interpret the judges' discourse as an expansion, a strengthening of the activists' discourse" (Tadié 2016, p.366). Tadié's argument is based on document analysis which has meant that it completely missed the significant role of LGBTI+ activists located within transnational spaces who provided BDS with the financial, technical and moral resources required to draw and argue the petition in the Court.

During the process of filing this 2007 petition at the Supreme Court, Pant sought technical assistance from activists based in India, and financial resources from IGLHRC to fund this collaboration. The two lawyers from India who were invited into this collaboration were well-know gay rights activists, Gautam Bhan and Arvind Narrain. Bhan is one of the petitioners in the Indian LGBT movement's legal battle against the criminalisation of homosexuality under Section 377. Narrain is the co-founder of the Alternative Lawyers Forum in Bangalore and now the Director of ARC International in Geneva - both

organisations centralise work on LGBT rights. Narrain was also part of the litigation team which argued against the constitutionality of Section 377 in India (ARC International website, as accessed on 20 July 2019[60]). Narrain had previously met Pant at a regional conference organised by the Humsafar Trust in 2000 (personal communication with Narrain). Regarding their involvement in Nepal Pant explained in a personal interview for this study,

> "[in Nepali] We needed something on international jurisprudence, and we also needed a bit of training for our lawyers. For one thing, the 'terminologies' were different, the 'concept' wasn't clear. I said we needed someone who was 'internationally updated', plus someone who knew about 'Eastern', let's say, South Asia's 'LGBTI culture'."

Pant had specifically requested the IGLHRC to provide support, specifically to fund the two lawyers to be sent to Nepal as legal observers. "He wrote to IGLHRC," Narrain recounted in an interview for this study, "so IGLHRC kind of said that we can...we can facilitate this and pay for this." Having had funding mostly for HIV/AIDS work until then, BDS did not have any resources to finance this kind of work, nor any support from international allies based in Nepal. As Pant related during the interview for this study,

> "[in Nepali] There was no 'funding' for 'legal interventions'. LLH had started giving a little bit but only for 'documentation'. Earlier when I had approached DFID and others about this, they did not want to get involved because it would be challenging the government. The UN also would not do it. They tended to be a bit 'reluctant' about 'legal challenges' because they have to follow the...what is that… 'local' country's 'law', 'culture'. I used to say, 'Then you don't need to work on human rights!'"

Pant had then specifically sought lawyers who were already working in the South Asian context to be sent to Nepal as legal observers. Back in 2007, there were a only a handful of lawyers in South Asia who were known for such legal advocacy. "They wanted LGBT lawyers," explained Narrain, "and how many LGBT lawyers were there at that time?" (personal interview with Narrain for this study)

With no support from existing donors, it is no surprise Pant turned to regional LGBTI+ allies whose advocacy work were carried out in similar socio-cultural and judicial contexts. As discussed in Chapter 2, the use of Public Interest Litigations (PILs) in Nepal mirrored that of India (Tadié, 2016) where advocates representing marginalised groups increasingly relied

[60] See https://arc-international.net/about/about-arvind-narrain-geneva-director/

on PILs to make claims upon the state, especially since the advent of multi-party democracy in Nepal in 1990. According to Malagodi (2013) - a legal scholar on Nepal - PILs have been successfully used by women's rights advocates in gaining legal victories since 1990, particularly through the work of FWLD mentioned above. The legal precedent for progressive laws, as Malagodi (2013) argues, had already been laid by activist lawyers, mainly from FWLD. However, this precedent set on women's rights at the national level was only one part of the groundwork required by BDS or the emerging LGBTI+ movement in Nepal.

As Malagodi asserts in a later article, the identities of petitioners was important in bringing about changes in legislation around gender equality (Malagodi, 2018, p.549). In Nepal's case regarding progressive gender equality laws, the petitioners were women activist lawyers. However, these lawyers did not have the expertise required to litigate on behalf of LGBTI+ people in Nepal given the different subjective positions each group occupied. More importantly, LGBTI+ activism as carried out by BDS had never integrated with the women's movement in Nepal - the two different movements do not share a common queer, feminist agenda. For instance, in the legal, policy and public advocacy by FWLD and other women's rights organisation on equal citizenship rights for Nepali mothers to confer citizenship to their children independent of the father, these activists have not been able to go beyond a heteronormative framework to instead push for a gender-neutral language in the policy on citizenship rights. When asked about this, activists from across the three LGBTI+ NGOs also did not problematise the binary framework where women's rights activists were making claims on behalf of Nepali *mothers* who had either been abandoned by the child's father, had been raped or who did not know the whereabouts of the father. This shows the limited ability of the two social movements to recognise, analyse or take up what could have been common advocacy grounds. In such contexts of activism, BDS turned to regional LGBTI+ allies in India.

According to a study conducted by Kolmannskog (2016) with activists in India, legal mobilisation against Section 377 in the country started with the Lawyers Collective working on this issue since 1989 with Dominic D'Souza, who had been forcibly isolated as he found to have HIV/AIDS (Kolmannskog, 2016, p.92). After D'Souza's death, the Lawyers Collective - with 'foreign funding' - established a separate HIV/AIDS unit 'to work on litigation, advocacy for new laws, research, capacity building and legal literacy work'. It also worked closely with MSM NGOs in India including Naz Foundation (India) Trust in Delhi. In 2001, four members of Naz and its affiliated NGO, Bharosa Trust, had been harassed and

detained by the police under Section 377 (Rajalakshmi, 2001[61]). This incident was widely publicised in the national media then and formally kickstarted the series of petitions against Section 377 in the country.

As explained by Vivek Divan in a study by Kolmannskog (2016), the political route through which bills could be proposed in the Indian parliament to strike down Section 377 was not an option for Indian activists given the conservative socio-cultural context. The same was true for Nepal. And just as BDS did during the filing of the 2007 petition, advocates at the Lawyers Collective which helped file the first petition against Section 377 by Naz in 2001 had also sought technical assistance from foreign allies - namely Edwin Cameron from South Africa and Michael Kirby from Australia - 'both senior judges and gay, to have workshops with Indian counterparts' which seemed to have been 'a crucial intervention' (Kolmannskog 2016, p.92). However, the Delhi High Court where the Naz petition was filed refused to consider the petition in 2004. 'Among the arguments of the respondents, including the Home Ministry', as Kolmannskog (2016, p.93), were that homosexuality did not fit with traditional Indian morality'. In response, the petitioners argued that LGBT and queer people have existed throughout Indian history, culture and religion and that '377 was in fact imperialist in origin'. The proceedings were uncannily similar in Nepal.

The Nepali activists' petition begins as such,

> "...we, the petitioners, are involved with the organizations which represent the minority people in terms of sexual orientation and gender identity. We are being denied by the existing society, law and state mechanism to provide us proper position in the existing society. Expressing our dissenting view with the prevalent social structure or norms as well as legal provisions adopted by the state based on the interest of majority people i.e. heterosexual male and female persons, we are demanding for the appropriate place in the society for recognition of our rights." (NJA, 2008, p.262)

When the 2007 petition was filed at the Nepali Supreme Court by Pant and others, the respondents - in this case the Nepal government's Office of the Prime Minister and Council of Ministers, Legislature- Parliament and the Ministry of Law, Justice and Parliamentary Affairs - denied that the state had discriminated against the petitioners and it posed no restrictions to any citizens from enjoying the rights accrued to them. The respondents also argued that 'only concerned individuals can enter into the court for the enforcement of such legal rights, with *evidence* in case of infringement' (NJA 2008, p.264). "They said the

[61] https://frontline.thehindu.com/static/html/fl1818/18181130.htm

government had no intention of causing such discrimination and that there was no policy in this regard", explained Hari Phuyal - the lawyer who fought the case on behalf of BDS - in a personal interview for this study. "In a way, that was positive," he said and went on to confirm,

> Phuyal: I had looked at this only from the context of discrimination. I didn't know about its historical context. I didn't know about its detail. I even said to Sunil ji, "I'm not an expert in this subject. Either you send me to a place where there are experts who will be able to explain it to me, or you bring experts here." So Sunil ji brought me two lawyers from India. [...] They came and helped me a lot. We had discussions for 3 days.
>
> KR: Where did you have this discussion?
>
> Phuyal: At the office of the ICJ (International Commission of Jurists) at the (Nepal) Bar Association. There was a facility...with boards where you could write on. They'd brought some materials with them. They taught me the ABCD of it. For e.g., what is L, what is G, what is B, T, I. And what are their legal status. How does this happen? What percentage of people fall under this? They gave me different reports. That Arvind Narrain gave me a historical perspective...how in Hindu society... then after there was a research he conducted in Bangalore...among a group of kothis I think. Vivek also gave me various information on legal issues and gave me lots of materials. They introduced me to a hell lot of documents...about the court case in South Africa, Lawrence v/s Texas, a German case...whatever cases they introduced, I used them and prepared a brief after these 3 days. The court hearing [bahas] took place when they were still here.
>
> [...]
>
> During the first hearing at the Supreme Court, I debated for about 3 hours...I had materials that Vivek and Arvind gave me. I was introducing these documents to the court. In the same way my friends had introduced me the documents, I introduced these documetns to the court. They became interested. So they agreed to have a continous hearing and asked that we do more research. [...] Then again Vivek and all helped me. They'd already left but they helped me by sending a summary about what's there in different countries. I submitted this during the next hearing. In the meantime, someone from Human Rights Watch had come to Nepal. I forgot his name. He was a renowned person. You can check who was heading the Asia Pacific Programme at HRW in 2007...he was also a legal [expert] person, I forgot his name...So they provided me with a lot of global perspective, especially developments within the UN...After that, at ICJ, there was also a person. Someone from the community. The person from HRW was also from the community and the person from ICJ was also a community person. I forgot the names. They sent me lots of materials. I introduced lots of these materials in the second hearing as well. What the bench said was, "Look we are very close to getting convinced but we need written amicus curiae.

> After that, Human Rights Watch was interested to submit amicus curiae. One sub-commissioner jurist was interested to submit it. Their work came in English. In our court, international organisations can't directly submit amicus curiae. What WE did was that we asked the Bench for permission to submit this via the arguing lawyer.
>
> (personal interview with Phuyal for this study)

From Phuyal's accounts above, there were a number of transnational allies based inside and outside Nepal who were willing and capable of providing BDS technical and financial assistance. The Indian case where the Delhi High Court had dismissed the 2004 petition by Naz that was framed around sexual rights was an important lesson for the Nepali petition. BDS's petition foregrounded gender over sexuality and chose to focus on the simplified, culturally legible category of third gender. Here, it is important to note that the petition was officially filed by Pant and three other petitioners on paper. In practice, however, it was Pant who solely represented all the petitioners. As one of the allies who was involved in this process in 2007 explained, "Basically, we were assisting in terms of his case so we had no knowledge of the others…I didn't even know of the other petitioners till now!" Personal interviews with other activists at BDS and Mitini Nepal also confirmed this.

An English translation of the 2007 Supreme Court verdict in Nepal which extended legal recognition to a 'third gender' category for the first time provides a seemingly conflicting account of what the Court understands by the term. Early on in the report, the document reads,

> "the write petitioners…state that the female homosexuals (lesbians), male homosexuals (gays) as well as the people of the third gender are considered as minority people on the basis of sexual orientation and gender identity. Such people introduce themselves as third types of people. Those people are also known as third gender and homosexuals internationally and in general parlance…categorized under the five different groups. Those are known as lesbian, gay, bi-sexual, trans-gender and inter-sexual." (*Pant vs Government of Nepal, Writ No. 917 of the year 2064 BS (2007 AD)*

The petition filed by the Blue Diamond Society, Mitini Nepal, CruiseAIDS and Pahichan Nepal – as summarised in this report - goes on to consistently use the terms 'third gender and homosexuals' to refer to those on whose behalf the petition was drawn. As shown in the extract above, the Court has interpreted 'third gender and homosexuals' as representing the five categories of LGBTI. At the same time, the Court has also interpreted *both* 'third gender' and 'homosexuals' as *international* categories. The court document continues to use the

terms ‘third gender’, ‘third sex’, ‘third gender and homosexuals’, ‘sexual minorities’ and ‘LGBTI people of sexual minorities’ to refer to a ‘third gender community’. Though the document makes distinctions between ‘lesbian, gay, bi-sexual, transsexual and intersexual persons’, it replaces transsexual with transgender at some points even while it seems to conflate everything else into the category of ‘homosexuals’. A similar confusion is around the interchanging use of ‘sex’ and ‘gender’ even though the document makes eloquent distinctions between sexual orientation and gender identity.

The confusion over terms might be attributed to issues arising from transliteration of what is originally a Nepali document where the term *linga*might have been used to refer to gender as well as sex, thus translating *tesro lingi* as both ‘third gender’ and ‘third sex’ and conflating ‘transgender’, ‘transsexual’ and ‘intersexual’. In addition, Stacey Pigg and Linnet Pike - medical anthropologists researching the history of AIDS intervention in Nepal in the 1990s - provide a distinctly cultural insight into the matter. They show how early sex education modules for Nepali middle-class urban health workers used terms like ‘homosexual’, ‘heterosexual’ and ‘bisexual’ as irrefutable medico-scientific truths in a social context wherein there was no prior conception of sexual identity and little comprehension of carefully labelled sexual acts like oral sex or anal sex (Pigg and Pike, 2004). They argue that this - coupled with a middle-class socio-moral understanding of sexuality - led to the reinforcement of the idea that AIDS is the result of distinctively Western sexual perversions that have no place in respectable society. This not only reinforced the distinction between ‘respectable peer educators’ and ‘immoral risk groups’ (MSMs, female sex workers) within AIDS intervention programmes but also eventually established scientific explanations as superior to local forms of knowledge around the body[62] . Supreme Court verdict of 2007 seems to reflect these processes of knowledge creation amidst confusion regarding terms, identities, and interpretations. However, the confusion is foregrounded only when we take these terms and identities as ‘irrefutable truths’ instead of understanding the process of identity formation as a messy and often political project.

As Pant explained in an interview for this study,

[62] This middle-class morality with regards to sexuality mirrors discourses created by women’s organisations around sex trafficking and prostitution in the same decade, the shadows of which stretch to the present in the refusal of many of these organisations in taking up issues of sexual minorities – especially lesbians and bisexual women - within their purview of women’s rights and gender equality. However, this should also be situated within an international context of the absence of a framework for sexual rights.

> Pant: …uh…we were still dwelling on which path to take…whether to use 'third gender' to cover everything or go with 'LGBTI'…there was confusion even within the Court. If you read the…what is that…decision, sometimes 'third gender' is used to cover everyone but they also use LGBTI…plus, 'third gender' is sometimes replaced with 'transgender'. So there is a slight confusion there…
>
> KR: That document is a bit confusing but I couldn't get the petition itself…the (Supreme Court) decision drew the definitions from the petition, right? [SBP: Mmm] And you said 'third gender' and 'LGBTI' were both used. But 'third gender'…how did you define 'third gender' then?
>
> Pant: Uh…we didn't define it there. (We said) we're not going to define it. My argument – even when I said this to lawyers – I told them not to go into debates around 'natural-unnatural'. [in English] 'You simply argue that our rights are violated…facing tremendous problems…abuse…physical abuse, verbal abuse, sexual abuse…then after…denied from education, health care…put all of these things. [...] Because we don't want to unnecessarily go into the 'natural-unnatural debate'. We'll not reach anywhere with that...we can't reach a 'decision' on that.

As Pant explains in the extract above, it was important for the petitioners to avoid the pitfall of going into the similar route that the Naz petition had between 2001 and 2004 that insisted on the 'naturalness' of homosexual people. The following extract sheds further light on Pant's strategic move on using identity categories in the petition in an ambiguous manner, driven in turn by the hybrid use of 'Eastern philosophy' and 'Western jurisprudence' as was done in India.

> K: So even though you hadn't defined *tesro lingi*, that was picked up by the Court?
>
> Pant: No, although we hadn't defined it, the word *tesro lingi* was in the petition…
>
> K: To represent 'transgender people'?
>
> Pant: Overall as well…we were not 'clear-cut' on that because what happened was – one, we needed to take up Western jurisprudence which talked only of 'LGBTI'; another thing was we had also included our 'Eastern culture, religion' to talk to make a link with 'person of third nature'…so we had to take both. [in English] So…uh…we took the benefit of ambiguity, let's say. [in Nepali] We took that and we said let's not get into definition, otherwise it will be difficult.

All of these accounts discussed in this section show that the hierarchy within the LGBTI+ movement in Nepal which placed transgender women - and later to a limited extent, gay men - at the forefront is most evident in the way the category of 'third gender' came to define the movement. As one of the BDS activists recounted during an interview for this study, it was

only after this Supreme Court case and especially after Pant's election to the Constituent Assembly in 2008 that most of the *metis* or 'effeminate men' started identifying explicitly with the transgender category. As the activist recounts,

> "Even when the Court was mulling over the decision, X and others would not be wearing their 'outfits' 'full-time' like now.They would wear that when coming to the office and change to 'male dress' again before going home. So after the Court decision came and (Pant) became elected into the Constituent Assembly and the (new) constitution was being written, policies were being changed...only after that many *fully transformed* themselves on the basis of their 'outfit'. [...] Previously, they would only wear it occasionally or during festivals like Gaijatra Pride (parade)." (personal interview, Activist 39)

However, as discussed in Chapter 4, there are differences in the interpretation of the third gender and even the transgender categories, and their acceptance and use by different groups. Interpretations and acceptance or lack thereof has also changed over time with shifting allegiances as discussed below.

While BDS at first claimed the category to be inclusive of varied identities, sexual orientations and gender expressions, LBT groups like Mitini Nepal and Inclusive Forum Nepal but also others like GASP have roundly rejected the category as only representative of trans women. Another independent activist stated during a personal interview that "the third gender is an unsuitable term to use as an umbrella category. It has led to a lot of confusion among people" (personal interview, Activist 9). He continues, "I don't know what *tesro lingi* is but others use that word for me. I don't like the term because people use it in a derogatory manner as they do with *chakka, hijada*. I don't think we should be building our identity over a derogatory term. Everyone - homosexual men, transgender women, transgender men - is lumped into *tesro lingi.*"

During a personal interview, Pun emphasised that while the petition primarily focused on the legal recognition of 'third gender', it was transgender men like him who did not hold any position of authority who first applied for citizenship under this category (personal interview with Pun, 28 Oct 2016). Only later did some transgender women apply for a citizenship under this category though this is limited to a few individuals. According to Pun, this is not only because acquiring citizenship under this category is an uphill battle in a conservative society but also because the issue of representation remains unresolved with officials refusing to change names acquired before transition, with the misidentification having to be carried on to any passports derived from that particular citizenship card. The bureaucratic barriers that arise thereof, especially when applying for visas for travel or work abroad, have

been especially disheartening to those who seek employment abroad in the face of high unemployment within the country due to lack of education but also societal and workplace discrimination. Pun claims that due to this, not many people have opted for a citizenship card under the third gender category, as is also evidenced by the UNDP and Williams Institute (2014) survey. Some of those who have, have again reverted to their old cards with the gender assigned at birth in order to move abroad.

In addition to this, the uneven recognition of this category within government bodies has also proved to be highly problematic for trans individuals. As discussed elsewhere, Pun recently tried to file his candidacy for vice chairperson of a rural municipality in his home district, Myagdi, under the third gender category during local level elections. However, he was barred from contesting the polls by the Election Commission in April 2017 because of a rule that stated that the nominated vice chairperson had to be a woman if the chairperson nominated was a man (Subedi, 2017). Pun is quoted as saying, "The district election officer told me that my citizenship [with his old name under a *tesro lingi* category] does not help. He told me that I am neither male nor female, so he cannot allow me to contest even though my party has recommended me." From Pun's and other BDS activists' accounts during interviews for this study (like Activist 1 and Activist 33), as well as the evidence from the UNDP and Williams Institute (2014) show that the advocacy to issue identity cards under the third gender or 'other' category has been an incomplete but also a divisive battle.

In personal interviews for this study, those in management positions within BDS acknowledged the confusion and conflict this has brought about. "Because transgender people are so visible and have been at the forefront of the movement, people have a misunderstanding that all LGBTI are transgender. It's difficult to make lawmakers or government officers understand this," (personal interview with Activist 1, 27 October 2016). The terms *tesro lingi* or third gender helped simplify what would be a complex amalgam of identities represented by the acronym 'LGBTI' while also providing a cultural legibility for those encountering these terms for the first time - i.e. Nepali lawmakers and government officers in this case. And yet, the allegedly top-down approach to introducing and using the category in the 2007 petition, the systematic and persistent exclusion of LBT groups from decision making mechanisms and organisational projects, and the intense conflicts that ensued after two LBT factions broke away from BDS point at deep fissures within the movement that had very much to do with contestations around exclusion from decision making processes but also the marginalisation of the needs of specific groups. Just a year before - in an annual report for the year 2009/10 - BDS states that there were no projects

aimed at 'LBT women…due to lack of funding' (BDS 2010, p.17) - though the report lists some general training workshops without indicating who the participants were, and a Mr Third Gender pageant (likely for transmen) (BDS 2010, p.41) to celebrate the 10th year anniversary of BDS. The gradual breaking away of LBT factions from BDS – first Mitini Nepal, followed by IFN and CORE Nepal – indicate that these splits are not only due to a clash of personalities between activists. These clashes are as much about the unequal distribution of resources and recognition of diverse identities, as will be analysed further in the next section comparing rights-based resources and networks for all three NGOs.

6.3 Rights-based resources and networks for the three NGOs

6.3.1 BDS's rights-based funding

In addition to the rights-based technical and moral resources - and limited financial resources - from BDS's allies discussed above, BDS started getting considerable financial resources for rights-based projects from 2007 (personal interview, Activist 43) after the Maoist insurgency ended in 2006, providing more space for civil society to 'expand programming and access external funding' for such work (UNDP and USAID, 2014b, p.26). During the politically volatile climate prior to 2007, BDS's HIV/AIDS donors warned Pant against speaking about LGBT rights or sexual rights. "Once they even wrote us a letter saying that office space and resources shouldn't be used outside of sexual health (work)…that it was being misused," Pant said of an HIV/AIDS donor in a personal interview for this study. In the case of USAID-funded projects, Pant explained that it was partly due to US government policies during different administrations. For instance, when Bush was in power, BDS couldn't work openly around issues on sexuality. "It was very difficult', Pant explained in the interview for this study, "Even if we mentioned (the word) 'sexuality' in the reports, they would edit it out when sending it to Washington. They would tell us not to do it…But we cannot not talk about rights when we distribute condoms and the police arrest us on this basis!" (personal interview with Pant for this study).

In 2007, BDS secured a three-year funding deal for an 'access to justice' programme from what was then the Norwegian *Landsforeningen for lesbiske, homofile, bifile og transpersoner* (LLH) (English: The National Association for Lesbian, Gay, Bisexual and

Transgender People)[63]. Though financial data for this was unavailable, BDS was able to create a position for its first human rights officer under LLH funding (personal interview with Activist 43, 15 April 2018). Under the rubric of LGBT rights, the projects included training on documenting human rights violations, expenditure for hiring a lawyer to follow up on legal cases, and skill-building workshops for community members (personal interview with LLH staff, date withheld). The second round of funding from 2011 until 2013 included workshops on building leadership skills as well as livelihood skills specifically for the BDS LBT staff and LBT community members. More of the funding available (or not) for this sub-group will be discussed in a separate section below, alongside funding for the two LBT organisations.

LLH also funded the first LBT conference in Nepal but has withdrawn financial support after BDS was able to get direct support from the Royal Norwegian Embassy in Kathmandu, whose development funds are provided by Norway's Ministry of Foreign Affairs. LLH, instead, has moved its focus on creating and supporting a South Asian Human Rights Association (SAHRA) which is a regional initiative for the documentation of human rights violations against people marginalised because of their sexual orientation & gender identity/expression[64]. BDS's LBT activists play key management roles within SAHRA, although work was slow and the organisation had not yet been registered when interviews were conducted with activists (personal interview with Activist 18 at BDS, 5 December 2016). As of January 2016, only 23-24 cases have been registered from Nepal, with most cases involving violence against *metis,* and only two cases of transgender men involving property dispute (personal interview with LBT staff at BDS, date withheld).

However, one of the most stable financial sources for BDS and for its rights-based work since 2011 has been the Royal Norwegian Embassy in Kathmandu, which is funded by Norway's Ministry of Foreign affairs. By this time, BDS had already won the landmark Supreme Court petition for the legal recognition of the third gender (2007) and was recognised by international human rights organisations like Amnesty International and Human Rights Watch as 'the only LGBT organisation' in Nepal. With this as well as a track record of having worked with a Norwegian organisation before, BDS was able to get the Royal Norwegian Embassy's support. BDS signed a three-year contract (2011-2015) with the Embassy, which was renewed for a second period between 2015 and 2018 with a total

[63] LLH is now called *FRI – foreningen for kjønns- og seksualitetsmangfold* (English: The Norwegian Organization for Sexual and Gender Diversity).
[64] See website - https://sahra.asia/about/

grant of almost 5 million Norwegian Krone, equivalent to USD 862,256 as of the date when funding commenced in 1 November 2011[65]. Besides helping BDS construct another office building in Dhumbarahi that now acts as the main office (personal interview with Embassy staff, date withheld), the Norwegian Embassy's programmatic support to BDS includes a 'core fund' for the office's day-to-day operations, salaries for BDS's core staff and funds for two of BDS's seven strategic goals – i.e. 'human rights' and 'media advocacy' (RNE, 2015, p.5).

As mentioned earlier, the core fund is one of the most important resources for NGOs since it covers operational costs and ensures the organisation's survival in between projects. When an organisation runs on a project-based approach, explained the Embassy staff,

> "…it becomes difficult to be sustainable. The project comes, you hire people and then the project finishes. Now what do you do with the human resources that are there? That's the difficult part. So that's the reason we provided core support. What we give them is the electricity, the water, the running cost of the office, the core staff of the organisation. So that is supported by the Embassy." (personal interview with Embassy staff, date withheld).

For the renewed contract between 2015 and 2018, the Embassy continued to provide core fund support covering administrative costs and human resources cost for the management and project team overseeing three aspects of work - enhancement of institutional and organisational capacity building, minimisation of 'human rights violations against SGMs in Nepal with human rights support from the project', and media advocacy (RNE 2015 Budget report). The Embassy, then, has been providing BDS the basic financial resources required to run an organisation, which is crucial for its survival as well as the sustenance of its staff members. Such support is often not provided to NGOs by the donors they rely on.

6.3.2 Resources and networks for BDS's LBT activists

LLH's support to BDS was unique in that its projects proactively aimed to include LBT members who had so far not had active roles within the organisation. Since a lot of the focus of BDS's work was on HIV/AIDS, Pant explained in an interview for this study, most of the

[65] Based on the conversion rate of 1 NOK=0.175651 USD as of 1 November 2011, as derived from https://bit.ly/2jUKxFz in 2 September 2019.

work and projects had revolved around the same. “After LLH came,” he added, “we were able to hire two lesbians” (personal interview with Pant for this study). Before this, BDS had a room that Mitini rented when it was still affiliated to the former for its first two years (personal interview with Mitini staff, date withheld). As Pant recounted in the same interview, there were only two people running this LBT group then and their salaries were arranged from money saved from other projects.

As already mentioned above, once LLH started working with BDS, livelihood and leadership skill building workshops were organised for LBT staff and community members. Since this time, LBT staff have overseen a weakly funded human rights component from among BDS’s seven strategic themes. However, there are no projects dedicated to this component and LBT staff within BDS expressed a lack of clarity on what they were actually supposed to do within this. Although the Norwegian Embassy provides funds for this component and the media advocacy component, a lot more is done around media advocacy. Under the latter, BDS used to run its own TV programme and now has an in-house studio that runs its own radio station. These media projects have been helpful in reaching out to the wider society to some extent and in keeping BDS in the public eye. As shown in interviews with some BDS staff, the activists who come to speak about their lives and identities in these TV or radio programmes have also helped some people better understand themselves and their subjectivities. All of these contribute to promoting LGBTI rights and assist in creating or linking people to appropriate support mechanisms when required. These are crucial to the movement and to the people it represents.

Despite this, a BDS staff reported low numbers of LBT people who had come in contact with the organisation so far (3500 in total, as of 2017), minimal documentation of rights violations by LBT people due to fear of stigma, and no programmes that specifically address LBT issues as opposed to MSM or ‘third gender’ issues (personal interview, Activist 16). As discussed earlier, the 2007 Supreme Court decision has mainly brought into prominence the third gender category and its directives to the government have included provisions to be made for the inclusion of a third gender category in citizenship documents, removal of discriminatory laws and legalisation of same-sex marriage. The last two remain to be implemented while the provision of third gender on citizenship documents has become more difficult to obtain from a reluctant bureaucracy and remains contested by some within the movement who do not want to be labelled ‘third gender’. Additionally, some who were required to travel to or through countries which criminalised or did not recognise transgender people found it safer to keep their travel documents under their ascribed gender. This shows

that the legal battles have so far not necessarily led to a change in the everyday lives of LGBTI+ people, and particularly not LBT people.

After LLH left, there were no projects focused on LBTs as stated in interviews with LBT staff members in different BDS offices (personal interviews conducted with LBT staff between December 2016 and August 2017). “We don’t really have any human rights programme,” said a BDS LBT staff based in a field office, “We are only ‘salary-based’ so what we do is cover local travel costs to the field sometimes. We might claim Rs. 200, 400, 500 (1-3 GBP). There is nothing else besides that . We used to have programmes before.” (Personal interview, Activist 24). The lack of a human rights programme in itself - or an LBT focused programme for that matter - has not prevented BDS staff from incorporating rights-based work as shown in Chapter 5 and in the sections above. However, as discussed in the section on financial resources for rights-based work above, BDS’s rights-focused work has been ad-hoc and limited, and LBT staff members do not have much responsibility within the organisation. As evidenced by these accounts and Figure 6.1 presented at the beginning of this chapter, LBT activists within BDS occupy a marginal position with limited allies outside the organisation.

6.3.3 Resources and Networks for Mitini Nepal and Inclusive Forum Nepal

The financial support that BDS has been able to receive through both HIV/AIDS networks and human rights networks have not been available to the two LBT NGOs. Based on the available evidence from the Foundation for a Just Society, Mitini Nepal received a grant from the Society of USD 50,000 in 2018 and USD 65,000 in 2019 as ‘general operating support’ (FJS website, Grant Directory accessed on 2 September 2019). In contrast, IFN had received a mere USD 3,715 since it was established in 2012 from one feminist philathropic organisation, TEWA, in between 2014 and 2018 (TEWA Annual Reports 2014-2015, 2015-2016, 2016-2017, and 2017-2018). Based on data available on all three NGOs, why did this discrepancy occur between their access to resources?

As shown in the previous chapter and in Figure 6.1, the resource pools available for these two LBT NGOs were distinctive from that available for BDS. Mitini and IFN have exclusively relied on feminist philanthropic organisations for their relatively small core fund and their occasional events. No long-term project or programmes were reported by the two organisations during interviews. Furthermore, IFN – being the smaller and less

professionalised organisation of the two – relied exclusively on one domestic source, Tewa, but also raised personal funds through its board members and through members in the diaspora including migrant workers. Membership from within Nepal is difficult given the fear of exposure and lack of sound economic status. 'A 2011 survey of 99 Nepali lesbian-identified women showed a 38 percent unemployment rate' (CREA 2012, as cited in UNDP and Williams Institute, 2014, p.46). Run almost entirely on a voluntary basis, IFN had considerably little expenses for the two-room office it rented in Samakhusi, a less prosperous location occupied mainly by migrants inhabiting the outskirts of Kathmandu, and its sporadic events conducted under the rubric of LBT rights. No documentation could be accessed for IFN during the course of this study. In fact, observations made during this study have confirmed that there was no systematic documentation system within IFN during the time the interviews were conducted in 2016 and 2017. IFN was also the least professionalised of the three NGOs in this study.

It is important to specify here that Tewa has included LBT rights in its programmatic framework for grant provisions to women's rights CBOs (Tewa, 2017). Tewa was also the first funder for Mitini, though funding networks for the latter has extended considerably to include the Global Fund for Women, the Urgent Action Fund, Womankind Worldwide, Foundation for Just Society and the South Asian Women's Fund (which in turn is funded by the Global Fund for Women and Mama Cash among others). Mitini Nepal now has a three-room rented flat as an office in Baluwatar, Kathmandu close to the old and new BDS office. Its monthly organisational expenditure including rent, overhead and administrative costs was reportedly around NPR 4,00,000 as of November 2016, and as stated by Laxmi Ghalan, the founding president of Mitini Nepal, in a personal interview for this study. This was equivalent to less than US $4,000 per month[66]. No single donor funds this expense and there is no guarantee that funds from any donor will be available the next year. As Ghalan explained,

> "Tewa does not give all of this. We might save some from what it gives. That is up to us. The Global Fund for Women is also supporting us this year. Last year during the earthquake, they helped us a lot...Another is Mama Cash...they helped us many years ago and this year we are thinking of submitting a proposal. It would be nice if we had a multi-year project but we need to keep applying. We get money from the Global Fund (for Women) almost yearly...almost regularly.

[66] Based on available exchange rate on 16 October 2016 from https://www.poundsterlinglive.com/best-exchange-rates/us-dollar-to-nepalese-rupee-exchange-rate-on-2016-10-16 accessed on 20 July 2019

> But this year I hear they have given big funds to CREA (in India) and Tewa so it's a bit difficult for us this year. "

From the figure above, it is clear that while Tewa is the only funder for IFN and one of the domestic funders for Mitini, it still facilitates Mitini's considerable access to other networks. As shown in the figure, most of the funders with ties to Mitini also have ties with Tewa, whether as funders and/or collaborators. The founding president of Tewa, Rita Thapa, also sits on the board of the Global Fund for Women and has extensive networks with other regional and international feminist organisations. These personal and professional ties further facilitate resource flows to any organisation Tewa – and as an extension, Thapa - might support. However, why is it that only Mitini has been able to capitalize on these networks among the two LBT NGOs?

This is partly answered by examining the nature of relationships between actors. Most of Mitini's transnational network consists of donors who have provided the organisation small grants for events like trainings and meetings. Sporadic grants have been provided to cover operational costs by the Global Fund for Women (in 2007 and 2016/17), Mama Cash (in 2007), and South Asia Women's Fund (in 2016/17). Only one instance of direct support in legal advocacy was found during the 2013 case of *Rajani Shahi vs National Women's Commission* when Rajani – with the help of Mitini - filed a petition against the National Women's Commission for trying to separate her from her female partner. During this time, the Global Fund for Women and Urgent Action Fund for Women provided financial support to hire a lawyer while Tewa and WOREC provided refuge to Rajani and moral support to Mitini. Additionally, Tewa – and to some extent WOREC – has also provided technical support for Mitini's organisational development.

Mitini did not collaborate with IFN in any programmes but staff from the two organisations might meet at events and invite each other to their own events. Without any strategic collaboration with IFN, nor with LBT staff at BDS, Mitini has formed a centralised network of allies where the networks do not overlap in a way that suggests collaboration. Mitini, then, operates in a similar manner to BDS. Mitini even had two sister organisations set up in two districts outside Kathmandu registered as separate CBOs though it was not clear what work these CBOs did during interviews with Mitini staff. "It's so difficult to save even these two," said the Mitini staff, "Wherever we go, all the talk is about funding. What is the point of saying we'll work if there is no funding? It is very difficult to do it. It is very difficult."

Even though Mitini did not have any projects run by these two sister organisations, what it was able to do was reach out to social networks of members based in these organisations. During the time of my fieldwork, Mitini had organised a three-day 'training and workshop' on 'Advocating [sic] LGBT rights in Nepal' (fieldnotes from 10-12 November 2016) where it invited people from different parts of Nepal as participants. Such events - often called 'sensitisation' workshops in activist parlance - are important sites for personal and professional networking. They also provide opportunities for new recruitment into social movements. A small group of four participants consisting of both old and new recruits had taken a bus from their hometown 10 hours away the previous night to make it to this workshop in the morning. They were glad to be among others from the community and wished they could have had more events like these. Mitini has applied similar strategies to BDS in this sense though within a considerably limited scope.

IFN has done the same but at an even smaller scale. It has been able to garner small funds from only one feminist organisation and on its network of community members who might identify as or be supportive of LBTs. This has allowed IFN to maintain flexibility and focus on advocacy to a large extent since its sole donor - Tewa - allows for flexible use of finances with a simple monitoring and reporting structure (personal interviews with IFN, Mitini and Tewa founders on 29 August 2017, 27 November 2016 and 3 July 2017 respectively). Tewa does not prioritise the very technical reporting mechanisms adopted by many donor agencies globally. When asked if Tewa worked with 'donors' for their grant-making work, the founder of the organisation explained that they have worked with international donors and foundations, adding candidly,

> "Not the 'donors' here [meaning the multilateral and bilateral agencies] but (those) outside. We've not written any proposals here...The whole…um…process of writing a proposal is so cumbersome…Tewa might not have that capacity. I mean, you know, somebody who can do all that…logframes, this, that…and each year it changes. How to do that? [laughs]"

More importantly, partner organisations of Tewa can use the Nepali language for all their communications and reporting. As an organisation dedicated to 'minimising social costs', 'self-reliant development' and the 'empowerment of emerging groups of rural women' in Nepal, Tewa's approach has benefited smaller LBT NGOs like Mitini in its early years and IFN more recently.

As mentioned before, Tewa has included LBT rights in its programmatic framework for grant provisions to women's rights CBOs (Tewa, 2017). An annual report titled 'Learning,

Monitoring and Evaluation 2015/16' specifically mentions that Tewa makes grants according to 11 grant making themes, among which is 'Lesbian, Bisexual and Trangender (LBT) rights'[67]. In the same year, Tewa made only one grant for LBT rights which was provided to IFN (personal interview with Tewa and IFN staff on 3 July 2017 and 29 August 2017). Tewa no longer seems to be providing financial resources to Mitini. As the Tewa founder, Rita Thapa, explained in a personal interview for this study,

> "I think for Mitini there is a much more conducive government, there are legal (protections)…and donor agendas are also geared more towards social exclusion so they will be forced to look at these groups. And I think Mitini can be quite…umm…a part of that…government. [...] Now I don't know how many will reach out deliberately. But where you have that as a mandate, there is no way you can avoid (reaching out to these groups). So…when they have an opportunity, they won't mince words. I think they will speak well. [...] If given an opportunity, they won't shy away."

This was corroborated in personal interviews with the founder of Mitini Nepal. In one of the interviews, Ghalan talked about how the larger women's movement but also organisations by and for marginalised groups of women like Dalits or Janajatis often leave lesbian women out. As Ghalan asserted,

> 'In terms of 'experience', first of all women's organisations…even this Dalit women's organisation discriminates against us, see…they separate us. There is a hesitation in any organisation…that there are these kinds of women. What will the others say if we bring in these kinds of women? Will they be more (successful) if we give them this kind of platform? Maybe they have this fear or it's something else. Maybe they think this (i.e. homosexuality) is a communicable disease. So in many programmes in the past (we were not) included (*samabesh hunthena*)…they would not include us (*samabesh garaunthena*). But I now go to all programmes whether they invite me or not. I speak whether I know what to say or not. It doesn't matter if they don't raise (our) issue. But then why would they raise issues of 'lesbians'? They won't. For example, if I go to a workshop or a national conference, I will mostly raise my own issues. They are the same. When one gets an opportunity, everyone…if someone is asked whether they want to have rick-and-milk or rice-and-meat, the ones who always eat rice-and-meat will say rice-and-meat. They will not raise our issues at all. So even if they don't raise it, we need to do it on our own. That's why they don't include us in many places (*samabesh garaundainan*). We sometimes need to call them to ask that they 'include' us (*phone garera bhaye pani hamlai esto ma 'include' gar bhanne ho*). There was recently a NIF [unidentifiable] programme…a 16-days programme and I wasn't there in the programme (initially) [...] There were *didis* (elder sisters) from 'BBC' (Beyond

[67] The other themes are gender discrimination and violence against women, women's health rights and bodily integrity, socio-economic empowerment and rights, environmental rights, women's political rights, rights of marginalised women, land and property rights, women's legal rights, disability rights and rights of sex workers and minority women.

> Beijing Committee). BDS was apparently there before but I didn't see them this time. So they (BBC) missed (including me) in a committee (this time). No, even before this, there was a workshop and we had said that we should be in it under any circumstances since we are talking about women's issues and there is this 16-days' activism (against gender based violence) going on. So we should be in it under any circumstances. We are not concerned about anything else. Don't make us come bang the tables tomorrow. We had said that to them [...] So after (I) talked to X, (she said), "*baini* (little sister)"… "(should I call you) *baini* or *bhai* (little brother", that's what she was saying. (I told her) "whatever you find easy but we need to be there (at the workshop)". So she put us in.'

As evidenced in the excerpt above, *samabeshita* or inclusion is the new buzzword in Nepal especially since the 2008 elections for the first ever Constituent Assembly in Nepal to be formed by the people's representatives. As a result of concerted voices from the Janajati, Madhesi, women's and Dalit movements in the country among others, the Nepali state has been forced to recognise diverse voices and adopt the principle of inclusion. One manifestation of this has been the growing assertions of minority groups to be included in any decision making. However, as shown in the quotes above by Ghalan and Thapa, minority groups like LBT activists often have to assertively push themselves on platforms available for them. When that happens, 'inclusion' is limited to their participantion in events where their 'representation' is ensured. And yet, such representation has to be constantly claimed and asserted because as soon as they leave the room - or if there is no access to the room in the first place - there is no one to speak on their behalf.

And yet, LBT activists - at least to some extent - have been able to capitalise on their marginalised identity positions to access whatever limited networks and resources there are that might be open to them. However, the deployment of identity categories is not just a strategic decision for the purpose of accessing resources. 'Lesbian' or 'LBT' identity categories have been taken up by other such NGOs in India for deeply affective reasons. In a joint interview with two Indian queer feminist activists for this study, one of them asserted,

> "It was a political decision to call ourselves an LBT group because of the invisibilisation that is there and that's the reason why we would say that we are lesbians even if we're dating transmen, or even if we are bisexual or whatever because that's a political identity. One does need to talk about it, one does need to occupy public space as a lesbian person."
>
> (personal interview with Ally 15, queer activist NGO in India, 10 July 2017)

When asked why they did not use the term 'queer' as a term for self-identification when their organisation's name explicity used the term, they explained,

> Participant 2: Queer is an identity but queer is a very elite concept. If you say queer, then it's only the elite people who will say queer. Or if you say s*amlaingik*…in Hindi it's *samlaingik aurtein* (homosexual women) [...] So if you use the word queer then it's very elite.
>
> Participant 1: Yea, *everybody* is queer. That's the thing. Now with 'queer'…one also says 'Oh, I've not got married. I've slept with men and women equally but i don't want to call myself bisexual, hence I'm queer. Or because I'll question the norms and hence I'm queer'…Of course over the years, queer has come to *denote* all of these things as well…as somebody who does not conform to certain structures, hence you're queer. But queer started with…if you're marginalised on the basis of gender identity and sexual orientation so within that gender and sexuality norm, if you deviate, then you're queer. So…but words also tend to change over the period of time, right. We don't know what queer would mean 60 years from now or 10 years from now, or 20 years from now. *Aajkal toh sabhi queer hai* (now-a-days everyone is queer)
>
> Participant 2: Yea, *everybody* is queer so it's very difficult…like…I mean everyone who…who even lives a heterosexual life will call themselves queer…like those who are child-free…so therefore, for me I've started using lesbian-feminist quite a lot because my identity as a lesbian woman is very different from someone identity as an unmarried person or a single woman or a heterosexual person living in a non-heteronormative framework. But I'd never date…or I've never had a relationship with cis-men for instance. So if now I call myself queer then my identity as a woman who chose someone who is assigned female at birth will be invisibilised. So I started using the word lesbian quite a lot…because there is invisibility.
>
> (joint interview with two Indian queer activists, 10 July 2017)

'Queer' as a subjectivity or identity is not used by any of the Nepali NGOs in this study. Instead, it is mostly used by those who are conversant with queer theories which usually means they have had the privilege of studying and organising in elite spaces within the country and outside. Only the three members of an independent queer feminist group in Nepal - the Gender and Sexuality Platform, known by the acronym GASP - used 'queer' to situate themselves. All of them have received an international education and do not face the same socio-economic barriers that the *metis* or *natuwas* affiliated to BDS and the LBT activists affiliated to Mitini Nepal and IFN might face.

It is also important to note that the LBT activists who founded the three LBT organisations identified in this study - Mitini Nepal, IFN and Core Nepal (which had dissolved by the time of this study) - are from Janajati groups. Both the founders of Mitini Nepal and IFN are migrants from districts outside Kathmandu, have not received the kind of education other queer activists or Pant have received, and operate mainly in the Nepali language. Both also

present as gender non-conforming and assert their sexuality through their location as women who are attracted to other women. Juxtaposing this with the founder of BDS, Pant's position as a high-caste, cis-gender, English-speaking man, there are stark contrasts between the social, cultural and economic capital between them.

As shown in this section, limited feminist (I)NGOs and donors almost exclusively form the networks for LBT NGOs in Nepal. These feminist organisations have provided the core fund to both LBT NGOs to help them sustain since a core fund covers daily operating costs for the organisations including payment of rent for the office. However, financial resources from these organisations are relatively small, especially if the donor is a national level feminist organisation. As already stated above, these reflect global trends where funding for women's movement in general is extremely limited. In such a scenario, LBT activists are disadvantaged and marginalised in multiple ways. First, they are disadvantaged by the small financial resources available from feminist (I)NGOs. Second, they are excluded from the broader women's movement in Nepal who have not shown much interest in their cause, or in the cause of anything beyond heteronormativity. Third, they are also excluded from mainstream LGBTI+ networks - both national and transnational.

6.4 Conclusion

In this chapter, I have presented an analysis of rights-based resources and networks of the three NGOs in this study and the impact of network structures on resource access for all of these organisations. I have argued that the overlapping of allies from 'LGBTI rights' network and HIV/AIDS network have helped BDS gain access to financial, technical and moral resources required to build its organisational capacity, establish legitimacy, and even successfully challenge the government for legal recognition and rights. All of these have strengthened BDS's role as the central actor within the movement. In principle, resources from diverse allies working on ensuring the rights of LGBTI+ people could have gone to any of these organisations. However, the exclusive nature of transnational solidarity networks dominated largely by White, male, cis-gender, English-speaking allies mean that only those organisations that are able to align their work with them end up receiving their support.

In contrast, allies and donors for LBT organisations in Nepal are few and far between with IFN having access to only two national allies that provide minimal financial resources. IFN is also the least professionalised organisation of the three, and mainly operates in the Nepali language. Similarly, even though BDS is a relatively large and well-funded organisation, activists in this as well as other studies have highlighted the marginalisation of lesbians and transgender men within the organisation. The comparatively small networks of the two LBT organisations, Mitini Nepal and IFN, is reflective of unequal resource allocation to women's organisations (Staszewka et al., 2019). Within such a landscape, LBT organisations like Mitini and IFN who work for gender and sexually variant people assigned female at birth can fare the worst in terms of resource access as they are marginalized from both mainstream women's rights activism as well as 'LGBTI rights' activism.

The marginalisation of lesbian groups and certain rights-based issues (like violence within families, bullying in schools, or work-place discrimination to name a few) have also been an unintended consequence of BDS's programmatic focus, which has been skewed towards HIV/AIDS intervention work as discussed in Chapter 5. There was limited funding for rights-based work in the organisation during the time of this study, except for a media advocacy programme mostly run by male, cisgender staff members. LBT staff members of BDS's office interviewed for this study noted only three allies they have worked with on a consistent basis, out of which only one transnational ally provided funding to run short-term livelihood projects specifically for LBT people assigned female at birth. Though it is likely that local CBOs under BDS collaborate with local government offices and other NGOs, collaborative work that requires financial or technical resources are often constrained by a top-down, project-based framework where projects are pre-determined by the central office, leaving little room for addressing rights-based needs on the ground. The framing of 'LGBT rights' as closely aligned to issues of legal recognition and freedom from police violence, I have argued, has not only taken attention away from the rights-based needs of LBT people but also the needs of other groups of people. Within BDS, the dominance of HIV/AIDS funding has meant that limited resources trickle down to CBOs to carry out essential rights-based work.

Despite the hierarchies that transnational rights-based resources and networks have entrenched, they have often comprised of most of the allies for at least two professionalised

NGOs – BDS and Mitini Nepal. For BDS, regional networks facilitated by ties with an HIV network led by the Naz Foundation in India laid the foundation for its rights-based work as well as its successful Supreme Court petition in 2007 for the legal recognition of the third gender. However, my analysis has shown that the more professionalised an organisation, the more its chances of securing financial, technical and moral resources required for their work. However, professionalisation is not a given and requires allies who are willing to extend technical and financial resources to the organisations. This is where organisational identities like 'LGBTI+', 'LBT' or 'lesbian' – derived from the constituencies with which the organisation claims to work – further determine their access to different kinds of networks. While BDS technically represents all LGBTI+ people, making it eligible to receive funding from any of the sub-groups within the acronym, Mitini Nepal and IFN also require the mobilisation of the 'LBT' or 'lesbian' identity categories in order to be eligible for the limited support that some feminist organisations might extend them. These analyses further support the overarching argument of this thesis that resources flow within and through exclusive networks made up of actors that share common identities and ideologies.

Chapter 7: Conclusions

> "It's like this, big-big organisations will look for big-big (people), you know. Like in an ocean, the big whale fish eats the small fish, right. It's the same. Nobody listens to the small ones. What to do if they don't listen? Keep attacking! (*prahaar gariranu paryo ni)*"

The quote above from one of the lesbian activists interviewed for this study encapsulates the central drive of this thesis which has presented an analysis of the differential power relationships experienced by three LGBTI+ (lesbian, gay, bisexual, transgender, intersex and others) NGOs in Nepal - the Blue Diamod Society (BDS), Mitini Nepal and Inclusive Forum Nepal. My main argument in this thesis is that resources, networks and collective organisational identities within the LGBTI+ movement in Nepal interact in a cyclical manner whereby an NGO's access to one reinforces its access to and utilisation of the others. However, due to the nature of resources and networks and their relationships with organisational identities, NGOs with different organisational identities have hierarchical access to resources and networks whereby some organisations are better able to utilise a cyclical effect than others. This is illustrated in the figures below illustrating the interaction between the three factors for each of the three LGBTI+ organisation.

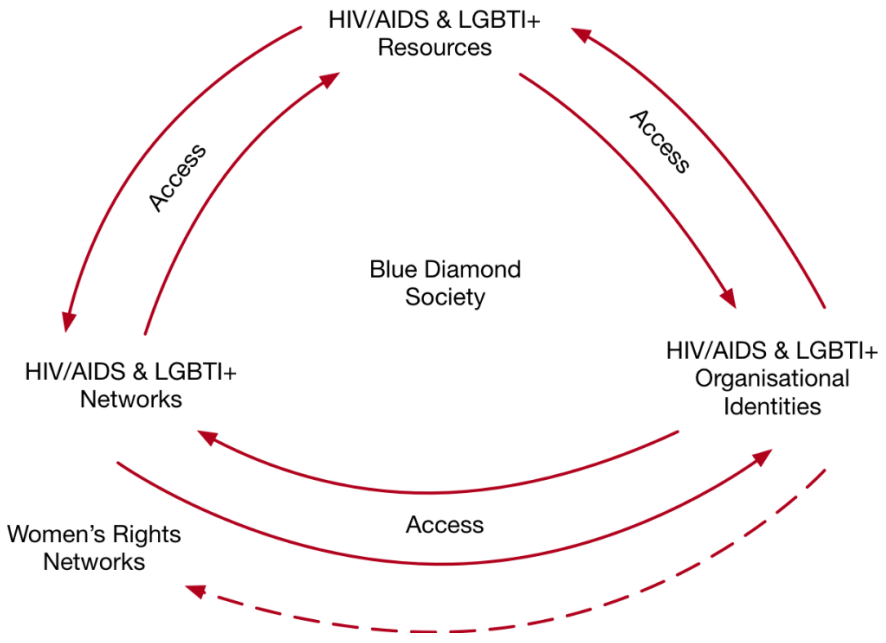

Figure 7.1: Interaction between resources, organisational identities and networks of BDS

The first image above shows that in case of BDS, HIV/AIDS and LGBTI+ resources and transnational networks have provided access to some identities (like MSM, trangender), and these identities have further provided access to resources. Similarly, the same resources have also provided access to networks, and the networks provide access to further resources. Networks have also assisted in the consolidation of some identities (like *meti, kothi,* transgender, third gender), and these identities help build further networks, thus completing the cycle for BDS. Additionally, the third gender identity's legal and political recognition have also provided transgender women activists - but not LBT activists within BDS - some access to women's rights networks. This is because within the dominant discourse of inclusion in a democratising Nepal, identities cutting across caste, ethnicity, gender, and SOGI have been used as representative quotas - i.e. if there is one individual or organisation to represent each group at a table, inclusion has been achieved. Hence, who gets to sit at the table depends on what the initiative or programme calls for - either the inclusion of a 'third gender' person (usually understood as a third gender woman or transgender woman) or an 'LGBTI+' person.

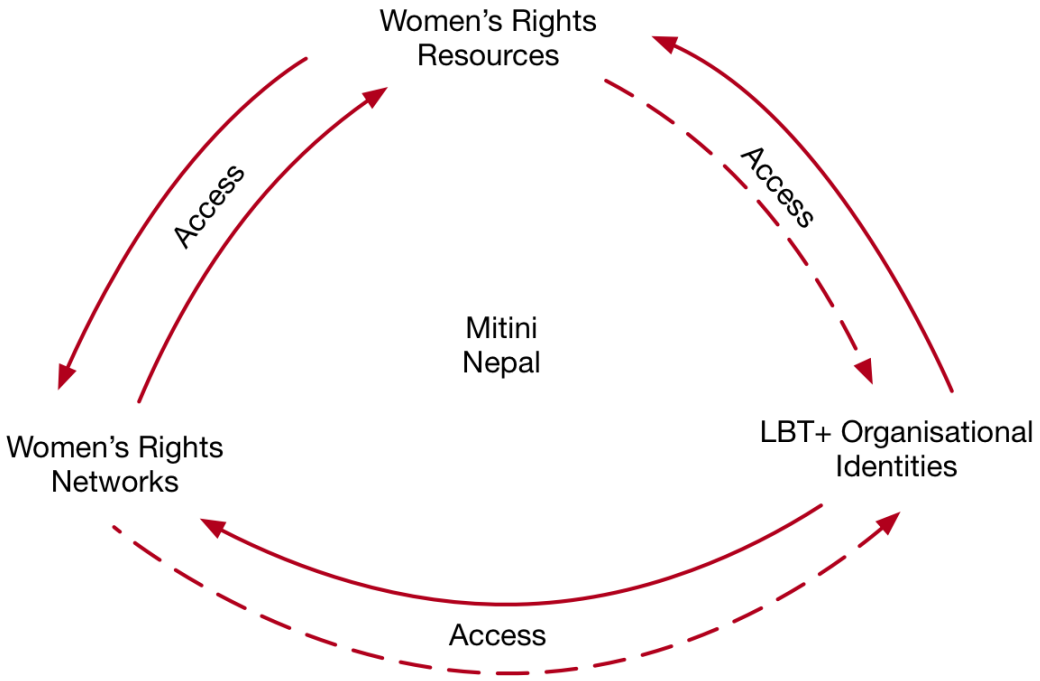

Figure 7.2: Interaction between resources, organisational identities and networks of Mitini Nepal

In contrast to BDS, Mitini Nepal and Inclusive Forum Nepal have access to very different pools of networks and resources as shown in the two figures above and below. There are some feminist philanthropic organisations and women's rights organisations that provide

access to resources and their networks for both the LBT organisations as shown in the figure in Chapter 6. They do so because they have identified LBT women as one of the most marginalised groups they could work with. LBT+ organisational identities, then, help Mitini and IFN access limited resources and networks that are conscious of the significance of including LBT people in their programmes. This is more successful done by Mitini, the more professionalised of the two organisations, as is represented by the bold arrow showing access to networks through the mobilisation of organisational identity. This is also evidenced in the figure in Chapter 6 where Mitini has more allies willing to provide it financial and moral resources.

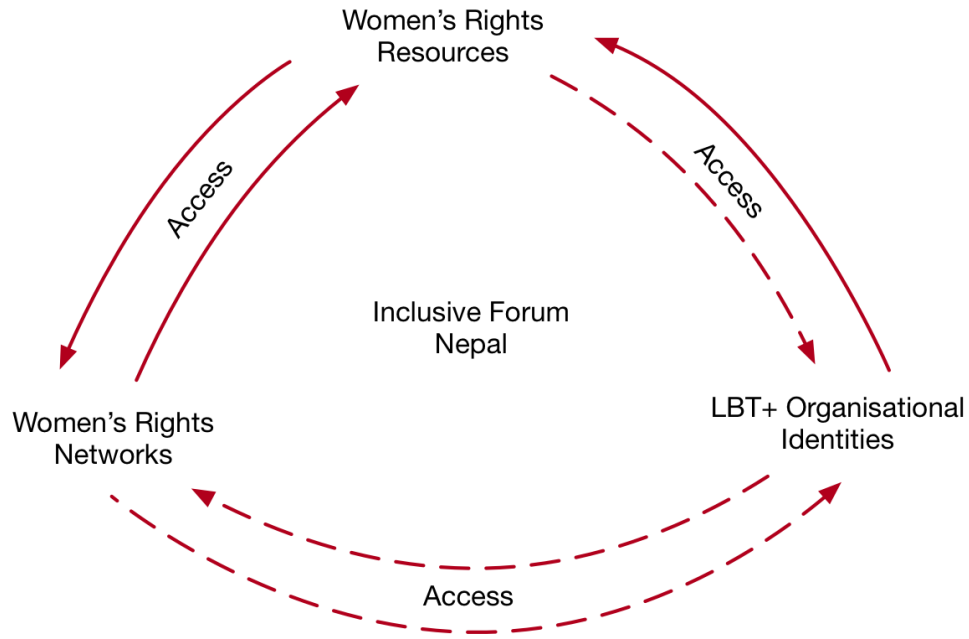

Figure 7.3: Interaction between resources, organisational identities and networks of Inclusive Forum Nepal

In contrast to Mitini Nepal, IFN - the less professionalised of the two and predominantly representing masculine presenting people assigned female at birth - has even weaker ties with women's rights networks. As a result of these weak ties, IFN is also the least funded and the least networked of the two. Organisational identities, then, are very important in determining the organisation's access to both resources and networks. However, unlike in the case of BDS where resources and networks also contributed to the consolidation of identities, there is no such consolidation of LBT+ organisational identities as a result of the interaction between resources and networks. To put it simply, women's rights resources and networks did not lead to the formation of LBT+ organisational identities.

This study has been the most extensive sociological study of social movement formation in the context of LGBTI+ activism in Nepal so far. This study draws from a large volume of data from a total of 71 qualitative interviews (43 activists, 22 allies and six donors) located inside and outside Nepal, as well as numerous informal conversations, participant observations, and document analysis. It has taken a multi-institutional politics approach (Armstrong and Bernstein, 2008) to present a distinctive analytical framework for social movement studies in the Global South. The multi-institutional politics approach proposed by Armstrong and Bernstein (2008) views domination as organised around multiple sources of power that are both material and symbolic, as opposed to only one source of power. In the context of this study, allies and donors of the LGBTI+ organisations in Nepal - in addition to the state - constitute the dominant sources of power due to the financial, moral and technical resources they provide. Such an approach in this study has provided important insights into why social movements in the Global South take the form that they do, and what this says about the nature of domination at multiple scales.

The study has done this through its main research question:

How have activism and identifications around sexual orientation and gender identity in Nepal been shaped by transnational resources and global LGBTI+ identities?

This question was answered through the help of three sub-questions:

a. How are individual LGBTI+ identifications in Nepal related to NGO activism?
b. What is the relationship of transnational HIV/AIDS-related resources to the emergence of the LGBTI+ movement in Nepal and some of the earliest identity categories?
c. What is the relationship of transnational human rights-related resources to the work of LGBTI+ NGOs in Nepal and the use of collective identities?

The arguments in this thesis were developed in three empirical chapters through the analysis of data derived from primary and secondary sources, mainly in-depth qualitative interviews with Nepali activists and their allies/donors located within and outside Nepal, participant observations during events and analysis of organisational documents available. Three prominent LGBTI+ non-governmental organisations (NGOs) were selected for this study - the Blue Diamond Society which is the first and is still the largest LGBTI+ NGO in the country and which represents a diverse group of LGBTI+ individuals - either self-identifying

or identified as such; and Mitini Nepal and Inclusive Forum Nepal, both of which are focused on the LBT (lesbian and bisexual women and transgender men) sub-population or simply sexual and gender variant people assigned female at birth.

The rest of the chapter is arranged in three parts. The first part syntheses key findings from each of the three empirical chapters. The second part presents key insights offered by this study on Nepal and its social movements, specifically in relation to LGBTI+ activism. Finally, the third part presents a distinctive analytical framework for the study of social movements, especially in the Global South.

7.1 Synthesis of key findings

The study explored the relationship between transnational resources, LGBTI+ identifications and activism in Nepal's context that also takes into account activist work beyond the organisation that has been the focus of most research on Nepal, i.e. BDS. In other words, the study brings together diverse actors within the LGBTI+ movement, mainly focusing on an analysis of the resources and networks of three independent NGOs - the Blue Diamond Society, Mitini Nepal and Inclusive Forum Nepal. By taking into account these three NGOs, their national and transnational networks and the resources they derive from these, the study presented an in-depth analysis of collective action and its implications at four levels - the local, national, regional and international.

Chapter 4 answered the first sub-question: How are individual LGBTI+ identifications in Nepal related to NGO activism? This chapter discussed the diverse terms of (self-)identification pertaining to sexual orientation and gender identity in Nepal as derived from interviews with Nepali activists from BDS, Mitini Nepal and IFN, organisational documents from BDS and previous studies on LGBTI+ people - studies which had mostly been conducted in collaboration with BDS. Activists in this study did not necessarily self-identify with a single identity category, with a few identifying with none of the categories even though they might be labelled with a term by others, which is in line with previous studies in the context of South Asia (like Khan, 2001; Boyce and Coyle, 2013). This is because identities might signal one's sexual orientation, sexual behaviour/practice, gender identity or gender expression - all of which can be fluid across time and space.

In addition to this, what was new in this study was that the interpretation of each of these categories were also found to relate to the participant's subjective position in relation to class and organisational affiliation. Gendered sense of self was mediated through class positions where knowledge of English language terms provided access for some to terms like 'transgender' and 'lesbian' while not for others. While even those activists who were marginally involved with one of the NGOs were aware of the term 'lesbian' - mainly because of their exposure to mainstream and social media - most of them only heard the term *tesro lingi* or third gender after coming in contact with one of the three NGOs. BDS was generally recognised by the others as an organisation working for *tesro lingi* or transgender women. Notably, only those activists assigned female at birth and working within BDS identified as *tesro lingi* or transgender man or simply transgender. However, those who were associated with Mitini Nepal did not identify as transgender or *tesro lingi*/third gender at all.

In contrast to activists assigned female at birth, there was a wider variety of terms used by the 20 activists assigned male at birth. A total of nine categories were recorded in interviews, though previous studies (like UNDP and Williams Institute 2014) have shown a wider variety of terms identified by activists as representing sexual and gender variance in Nepal's diverse cultural context. These terms derived from different indigenous languages and cultural contexts have been consolidated by BDS into a broad *tesro lingi* or third gender category. Interviews with activists also found that terms like *meti* and even *hijada/chhakka,* or other terms considered derogatory at the time of this study - but frequently used in cruising sites before BDS's establishment in 2001 - had fallen out of use over the years, at least within formal activist and official spaces if not informally between activists. In conclusion, findings in Chapter 4 shows how identification to categories are contextual, reflective of social hierarchies, and are constantly negotiated in these positions. Identities used by social movement activists can also be consolidated in a top-down manner through which some identity categories are emerge as collective identities while the use of others are lost.

Chapter 5 aimed at answering the second research question: What is the relationship of HIV/AIDS-related resources to the emergence of the LGBTI+ movement and collective identity categories in Nepal? This chapter went deeper into the analysis of the relationship between resources, movement emergence and identity categories used by the first LGBTI+ organisation in Nepal in 2000, BDS. Out of the two resource pools available to LGBTI+ NGOs in Nepal, this chapter focused on the first and more significant resource pool comprised of HIV/AIDS donors and allies located in various transnational spaces.

Some among the few scholarly studies that have been conducted on the LGBTI+ movement in Nepal have shown how HIV/AIDS-related funding by donors led to the emergence of the first LGBTI+ NGO - the Blue Diamond Society (BDS) - in 2001 and its expansion into a network of around 50 affiliated CBOs throughout the country since 2006 (Boyce and Coyle, 2013; Knight, 2015b; Schubotz, 2016). Among the three studies mentioned, Schubotz's study - an unpublished MA thesis on a comparative analysis of related movements in Argentina and Nepal - engages more explicitly with social movement theories. Schubotz (2016) mainly deploys key concepts from social movement theories and international relations to present a persuasive case of how 'structural determinants' and 'political agency of social movements' determine policy outcomes like those on legal gender recognition. However, Schubotz's study - while mentioning differential access to resources because of HIV/AIDS funding to BDS - does not problematise this at all because the study excluded from analysis all other organisations in Nepal except BDS. As a result, the significance of how transnational interaction between resources and networks perpetuate inequalities *within* national social movements drops out of analysis.

In order to address this gap, Chapter 5 in this thesis discussed how the founder of BDS, Sunil Babu Pant, actively sought HIV/AIDS-related transnational allies as well donors within and outside Nepal because those were the only available networks he could mobilise to establish the organisation within the socio-political climate of Nepal. I have added nuance to this argument by showing that while financial and moral resources in BDS's early years (between 2000 and 2007) almost exclusively came from transnational HIV/AIDS donors, important technical resources were also derived from regional networks of MSM organisations in South Asia that helped lay BDS's organisational foundation. Additionally, in contrast to the restricted ways in which HIV/AIDS financial resources from donors could only be used for HIV/AIDS related work with sub-groups identified as 'key population' like MSMs, the technical resources provided by regional and transnational LGBTI+ allies provided opportunities for BDS that went beyond its role as a service delivery organisation. Despite the restrictions over how HIV/AIDS funding could be used, Pant and BDS were able to utilise these resources creatively in supporting their rights-based work to a limited extent.

The chapter has shown that the use of pre-existing cultural categories like *meti* or borrowed public health categories like MSM within BDS is part of the process of securing legitimacy as an NGO working for these 'key populations' in HIV/AIDS intervention programme. This has also been recorded in the context of MSMs and *kothis* among others in India in the work of Cohen (2005), Boyce and Coyle (2013) and Dutta and Roy (2014). Where categories like

these were not widely known before, I have argued that the process of securing HIV/AIDS resources has required the consolidation of these categories by LGBTI+ NGOs as collective organisational identities *before* resources could be officially disbursed to BDS. Global public health registers and funding regimes, then, have played significant - though perhaps unintended - role in the consolidation of some identities in South Asia, and in other places in the Global South (Seckinelgin, 2009; Seckinelgin, 2012).

Importantly, the chapter has highlighted differential access to resources even when those resources are aimed at a seemingly homogenous group of people, i.e. sexual and gender variant people assigned male at birth and at risk of contracting HIV/AIDS, and some of the most marginalised groups in society - in this case those who are visibly gender non-conforming like the *metis*. The ability of an individual or a group to take the lead in collective mobilisation is shaped by their economic, cultural and social capital - not to forget their motivation in doing so in the first place. For instance, the comparative advantage Pant had as a high-caste, cisgender, educated man, as well as his seeming knowledge of international laws kept him safe from the police who were reported to regularly harass the *metis* in Ratnapark. In contrast, the visibly gender non-conforming *metis* or 'effeminate/feminine gays' who formed the bulk of those Pant was able to mobilise did not have the same kinds of resources Pant did, and hence could not have initiated the kind of movement that Pant was able to build. Transnational HIV/AIDS allies based inside and outside the country have helped build and strengthen BDS's position as the largest and most well-funded LGBTI+ organisation in the country, making it the second largest recipient of LGBTI+ funding in the subcontinent. These achievements have further assisted in making it visible to newer allies and donors as the go-to - and often the only - LGBTI+ organisation in the country. Resources and networks, then, operate within a confined framework (e.g. HIV/AIDS intervention work) where access to one resource (like financial) reinforces access to others (like technical and moral), while simultaneously also reinforcing access to networks that provide further resources. The chapter concluded by emphasising that such a cyclical effect leads to a concentration of resources on those who are already able to access them in the first place.

The final analytical chapter of this thesis was aimed at answering the last research question: What is the relationship of human rights-related resources to the work of LGBTI+ NGOs and the use of collective identities in Nepal? Chapter 6 focused on the second pool of resources available to LGBTI+ NGOs in Nepal. An analysis of each organisation's rights-

based networks and the financial, technical and moral resources derived from these networks showed that BDS was still the most well-resourced LGBTI+ NGO in the country. However, as I have argued in this chapter and in Chapter 5, this has partly been because of BDS's already established HIV/AIDS related networks, which often overlapped with its rights-based networks. Resources derived from a wider range of allies/donors including global and regional LGBTI+ activists have further strengthened the organisation and the capacity of its staff members. However, a significant share of BDS's financial resources from this resource pool goes into covering 'core' organisational expenses including overhead expenses, and a media outreach programme. This has left little financial resources for a generic 'human rights programme' - reportedly managed by its LBT staff - which does not have a clear programmatic focus. In practice, BDS's rights-focused work has instead been carried out by all staff members and is an amalgamation of policy advocacy work whenever the need arises and a wide combination of tasks including documentation of human rights violations formally reported to its offices, sensitisation programmes on LGBTI+ identities and issues delivered to various audiences, organisation of ad-hoc events, providing visibility to the organisation through participation in external events, and representing 'sexual and gender minorities' in these events.

While these have all been important, they have often been piecemeal work carried out by general staff members of BDS without much power to shape the human rights agendas that the organisation advocates for. BDS's rights-based agenda, as I have argued, has instead been shaped by the national political context of post-conflict Nepal whereby 'human rights violations' are mostly seen as violence perpetrated by state security forces. This has allowed only the *metis* and the violence they face from the police to come into national and international focus, leaving out other forms of physical, mental and structural violence that might impact all groups of LGBTI+ people in different ways. This inadvertent privileging of the police violence faced by *metis* has also led to BDS's most enduring legacy - the legal recognition of the third gender identity category in 2007. However, the top-down approach with which the category was introduced by BDS and its interpretation by the Court as an all-encompassing category has collided with the dissatisfaction of lesbian (and also gay) activists on their exclusion from issues of recognition and redistribution of resources. These have led to deep fissures within the movement to such an extent that the three NGOs, for the most part, operate as three distinctive interest groups with little overlaps in communication and network formation.

The other two organisations in this study - Mitini Nepal and Inclusive Forum Nepal which are both LBT organisations - were also found to replicate similar rights-focused work for those who are seen to share the collective identity of 'LBT'. This work included 'sensitisation' workshops, 'national consultation meetings', some livelihood skill building trainings, limited policy advocacy work and 'representation' work where they participate in meetings, workshops or conferences as LBT representatives. Where they differed from BDS was their sources of financial, technical and moral resources to carry out their work, and professional networks that provided access to these resources. Most of the resource networks for Mitini - the more professionalised and well-resourced of the two LBT organisations - included transnational and a few domestic feminist organisations. Mitini Nepal's pattern of establishing more allies outside of the country over time is similar to BDS but Mitini's network of feminist organisations are distinctive of BDS's networks of human rights and LGBTI+ organisations and donors. Resource networks for IFN only included one domestic feminist philanthropic organisation and one government entity, the Ministry of Women, Children and Social Welfare. Both of these allies had provided IFN financial and moral resources though these have been minimal.

The three NGOs' LBT activist networks were distinctive from each other and rarely overlapped. In addition, more allies were reported outside Nepal than inside, showing the limited support they felt they had from domestic civil society, government bodies and the women's movement in general. More importantly, the allies of Mitini Nepal and IFN did not include multilateral and bilateral donors and transnational LGBTI+ activist networks as was the case for BDS's networks. This has meant that financial, technical and moral resources for LBT activists in all three organisations were severely limited as evidenced by financial data presented in Chapter 6 and interviews with these activists. The sub-group of 'LBT women' do not constitute a 'key population' - to use the HIV/AIDS term - within public health approaches, within the women's rights movements in the Global South, nor within transnational LGBTI+ movements. None of the transnational LGBTI+ allies and donors interviewed for this study worked with any of the two LBT organisations, though they were aware of their existence. This has meant that LBT activists in Nepal have been marginalised from all of these social movements and sites of development interventions at the local, national, regional and international levels.

7.2 Contributions to studies on queer mobilisation in the Global South

Past studies on queer mobilisations in the Global South from postcolonial and queer theoretical perspectives have inordinately turned its gaze upon the colonisers, focusing analysis either only on identity politics or only on collective mobilisation around those identities. More recent work informed by postcolonial, feminist and queer theories like that of Dutta (2012), Dave (2012), Boyce and Coyle (2013) and Rao (2015a) have combined both in their analysis while other studies from subaltern perspectives have taken a Marxist approach to highlight the limitations of queer theories in the context of the Global South (e.g Kapur, 2009). However, these theorisations especially in the context of South Asia have been dominated by scholarship from India, as emphasised by Hossain (2018) in the context of *hijra* studies. Hossain (2018) instead proposes a regional approach to studies of gender and sexuality. In line with this, my study emphasises the significance of regional networks in the emergence of a social movement in a resource-poor context, the emergence of political identity categories that have regional cultural resonance, and the implications of these on inclusions and exclusions within the movement.

Additionally, studies from and on India have paid little attention to South-South interactions and continue to be delimited largely by a single colonial past, often ignoring the multiplicity of colonialisms within nations and within the region or in terms of language, religion, class, caste or ethnicity. While these studies do consider caste and class implications to a degree, they fail to encourage the exploration of hegemonies around language, religion, caste and ethnicity that might have led to the invisibilisation of many ways of being queer or the intersecting issues of marginalisation that might be most pertinent to queer, and general, lives. My study challenges the dichotomies of global and local, modern and traditional, and Western and non-Western that have been part of these discussions to instead conceptualise the 'local' as already implicated by the 'global' as emphasised by Grewal and Kaplan (2001), Oswin (2006) and Jackson (2009). I further argue that 'local' activists are, in fact, 'transnational' since they occupy simultaneous positions 'here' (in the nation) and 'there' (outside the nation) (Vertovec, 1999), and that it is through this simultaneous location that they are able to mobilise for change, whatever the change looks like.

And yet, such positioning has reproduced gendered, racial, ethnic and class hierarchies within the movement as well as within transnational solidarity networks. This argument is in line with Seckinelgin's (2017) observations on the politics of 'Global AIDS' which he

argues has increased the gap between representative civil society organisations that shape the national agenda and the grass-roots communities. My analysis of network structures of the three LGBTI+ NGOs build on this argument to show how the more professionalised an organisation becomes, the more it takes the form of a wheel structure (Diani 2003) with one dominant central actor. Such an analysis extends the work of Rao (2015) and Dave (2012) by foregrounding the agency of 'local' activists in actively centering themselves as the legitimate representatives of different groups of people, and their complicity in reinforcing some hierarchies while resisting others.

My study also corroborates what other scholars (Jolly 2000, Jolly and Cornwall 2006) have warned about sexuality, particularly non-heterosexuality, dropping out of feminist activism and international development work, and queer subjectivities being subsumed into the 'colonialist tradition of development' where there might be more emphasis on identities and individual freedom rather than a focus on dismantling structural inequalities (Jolly and Cornwall, 2016, p.578). Contrary to many studies on queer identity politics in the South Asian context, I centre issues of structural inequalities through an analyses of resource access as mediated by identity politics.

Finally, this study also supports more recent theorisations (like Alvarez, 2009; Bernal and Grewal, 2014a) that go beyond the critiques of NGO-isation to instead emphasise the hybrid nature of social movement organisations or NGOs (Currier and McKay, 2017) in postcolonial contexts, especially in low-income countries where the lines between NGOs and social movements blur. Such hybrid organisations in the form of NGOs cannot always be said to have negative consequences, especially in terms of advancing social justice issues in contexts where domestic material and non-material support for these specific issues is weak or non-existent.

7.3. An analytical framework for the study of social movements in the Global South

The study provides a distinctive analytical framework for the study of social movements in the Global South by using Armstrong and Bernstein's (2008) political process approach to include within analysis multiple sources of power, combining this with the emerging regional approach to queer analysis emphasised by Wilson (2005) and Jackson (2009).

Previous studies on queer organising have mostly focused on movements emerging in the Global North, using various concepts within social movement theories to understand the strategies activists use in mobilising groups that share the collective identities represented by the acronym LGBTI+, and in making claims for what has been called LGBT rights. Studies inquiring into queer/LGBTI+ activist practices within the context of the Global South, however, are only recently emerging like in the works of Dave (2012), Dutta and Roy (2014) and Rao (2015b) in the context of South Asia; Chua (2012; 2015; 2017) and Ng (2018) in the context of South East Asia; and Dearham (2013), Currier and McKay (2017) and Moreau and Currier (2018) in the context of Africa. Most of these studies have focused on highlighting the socio-economic contexts within which LGBTI+ or queer activism has been carried out in the Global South, and the influence of global discourses and - to some extent - resources on such activism. However, many of these centre their analysis on either one or two scales of study - the national and/or international - to show how hierarchies of power between the Global North and the Global South dictate the frameworks within which activism can occur (e.g. public health, sexual rights, LGBT rights). Some of these analyses often present a unidirectional - and sometimes misguided - flow of solidarity from the North to the South, and the terms within which such solidarity can be received by social movements or NGOs in the South (e.g. as recipients of international aid, as LGBTI+ identifying people). Such focus on only two scales of analysis - national and international - makes invisible the exchanges within countries in the Global South and reinforces the image of social movement actors as passive recipients of discourses and resources from the Global North.

One of the exceptions to this is Rao (2015a) who emphasises that recently formed LGBT movements in the global South are *more* invested in such capitalist expansions since "…the vectors of their foundational Euro-American originated identities – HIV/AIDS funding, human rights discourses, global media, elite diasporic travellers – are borne along by the circuits of global capital" (p. 48). My study, however, does not assume that 'Euro-American originated identities' like LGBTI – despite their tendencies to obliterate diversities and create hierarchies (Dutta and Roy, 2014) - are merely imperial impositions since these have provided valuable frames of reference for self-identification, collective mobilization, as well as access to crucial resources.

The few studies that have analysed the flow of discourses and resources within LGBTI+ mobilisation in the Global South have predominantly accounted for only financial and moral resources flowing from the Global North to the Global South. While acknowledging the significance of financial resources especially for movements in low-income countries in Asia

and Africa, using a case study of the LGBTI+ movement in Nepal, I have argued for a closer consideration of different types of resources from multiple scales and the networks within which these resources are embedded. Adopting such a multi-scalar approach shows that valuable technical and moral resources also flow through networks embedded in the Global South.

While financial (money) and moral (legitimacy) resources generally flow from donors and institutions based in the Global North, findings from this study show that technical (e.g. legal and professional expertise) and moral resources (solidarity) can sometimes be more easily accessed from transnational activists and allies within the national boundary or transnationally, and who themselves are part of broader movements (e.g. LGBT movement, human rights movement, women's movement). It is then important to consider what kinds of allies provide what kinds of resources, in what ways these resources might be valuable or not, and how regional and cross-movement solidarities through the provision of such resources might perpetuate hierarchies within social movements in the Global South.

Following from this, the study called for a serious attention to evaluating the networks within which activists and their organisations are embedded, since these networks are often seen to determine access to resources. Furthermore, I have argued that access of Nepali LGBTI+ activists to these limited resource pools are regulated not just through global registers of power but also through local registers in relation to gender, caste/ethnicity and socio-economic status among others. As a result of the complex relationship between availability of distinctive resources and networks in transnational spaces, as well as the subjective, intersectional positions of activists, some kind of work (like in relation to HIV/AIDS) and some ways of identifying oneself (like LGBTI) receive more attention than others.This has led to differential allocation of resources for organisations representing diverse groups of people, with the representation of specific identities and issues determining further access - or lack of access - to resources.

Appendices

Appendix A: Information sheet for participants

Participants in the study were provided with this information sheet at the beginning of interviews. Each interview began with a brief overview of the research as covered in this sheet, verbally communicated in either Nepali or English depending on what the participant was comfortable with.

Plain Language Statement

LGBTI or Sexual and gender minorities movement in New Nepal (*Naya Nepal ma laingik tatha yaunik alpasankhyak ko andolan*)

You are being invited to take part in a research study. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask the researcher if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

Thank you for reading this.

The research is the first extensive case study of the LGBTI movement in Nepal from the perspective of actors involved within the movement. It aims to understand how the movement has come about, the contexts within which it has emerged and continues to

operate, and what this means for LGBTI activism. Participation is voluntary and will involve an interview that could last between an hour or two, or a focus group discussion (FGD) that could last the same amount of time. Participants have the right to withdraw at any point in the study without having to provide reasons for doing so, and without any repercussions thereof.

Permission will be sought to record the interview/FGD with an audio device at the beginning, and participants will be asked to sign a consent form agreeing to the use of the data collected, as well as the use of direct quotes during the writing of the research. In this regard, participant's personal details will always be kept confidential unless stated otherwise by the participant. Since the case under study is focused on a relatively small movement in a close-knit society of activists, complete anonymity might be difficult to achieve at all times. However, strict measures will be taken to ensure confidentiality as much as possible. In addressing the important issue of maintaining anonymity, any direct identifiers (like names, pictures) or indirect identifiers (like occupation, workplace) that might expose participants or link direct quotes to particular individuals will be removed from final reports and any future publications. Pseudonyms, replacement terms and vague descriptors will be used to avoid identification of participants as much as possible, especially when quoting or paraphrasing. All data including interview transcripts and any documents provided by the participant will be stored in a secure location and/or password protected folders in the researcher's personal computer.

Please note that assurances on confidentiality will be strictly adhered to unless evidence of wrongdoing or potential harm is uncovered. In such cases the University may be obliged to contact relevant statutory bodies/agencies.

The data collected for the research will be used for the purpose of completing a dissertation in fulfilment of a doctorate in sociology. It will further be used for publications and conference papers. The data will be stored by the researcher beyond the duration of the PhD. This storage will allow for it to be used in any future archives as part of documenting experiences of LGBTI activism in Nepal, and will allow future researchers to use it for further research. All personal identifiers will be removed from such data before being archived.

Research results will be available to participants upon request at the end of the research. Dissemination of results could also take place in the form of verbal presentation by the

researcher at the end of the research period, or in other forms as deemed appropriate by participants, and as far as resources allow.

The research is funded by the School of Social and Political Sciences, the University of Glasgow.

This project has been considered and approved by the College Research Ethics Committee.

In case you require further information or need to pursue any complaint, please contact the College of Social Sciences Ethics Officer, **Dr Muir Houston, email: Muir.Houston@glasgow.ac.uk** or the project supervisors, Dr Matthew Waites, email: Matthew.Waites@glasgow.ac.uk and Dr Kelly Kollman, email: Kelly.Kollman@glasgow.ac.uk

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Appendix B: Consent form for participants

Consent Form

Title of Project: **The LGBTI movement in New Nepal**

Name of Researcher: Kumud Rana

I confirm that I have read and understood the Plain Language Statement for the above study and have had the opportunity to ask questions.

I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.

Consent on method clause

I consent / do not consent (delete as applicable) to interviews/focus group discussions being audio-recorded.

Confidentiality/anonymity clauses

I acknowledge that participants will be referred to by pseudonym.

Clauses relating to data usage and storage

- All names and other material likely to identify individuals will be anonymised.
- The material will be treated as confidential and kept in secure storage at all times.
- The material will be retained in secure storage for use in future academic research
- The material may be used in future publications, both print and online.
- I agree to waive my copyright to any data collected as part of this project.

Basic consent clause, agreement format

I agree / do not agree (delete as applicable) to take part in the above study.

Name of Participant ……

Signature……..

Date ……

Kumud Rana

Name of Researcher……

Signature…….

Date ……..

Appendix C: Sample interview questions around themes

Interview guideline for activists in the first phase of the research (i.e. leaders in Blue Diamond Society, Mitini Nepal, CruiseAIDS and Pahichan Nepal)

First name:

Organisational affiliation(s):

Plain language sheet

Consent form

- Involvement in drawing of the 2007 Supreme Court petition
    - Involvement in what capacity?
    - Why involved?
    - Contributions towards the petition-writing process?
    - Issues debated during the writing process?
    - Decision-making procedure?
    - Who was involved in making final decisions? Why?
    - Decisions made during this process? Reason for making these decisions?
    - Thoughts regarding decision-making process adopted?

- Involvement of others in the 2007 petition
    - Who else was involved?
    - In what capacity?
    - Why were these particular actors involved? Why not others?
    - Thoughts regarding their roles in drawing the petition? What influence? Why (not)?
    - Type of relationship to these other actors in 2007?

- Explanations for the petition
    - Reasons for going down a legal route
    - Reasons for drawing the petition in 2007
    - Any thoughts regarding this process? How useful has it been? In what way?

- Interpretation of the petition
    - Interpretation of the use of the 'third gender' category then and now
    - Organisational use of the category since 2007 and if and how it has changed
    - What identity categories do you use?
    - Used when?
    - Used with whom?
    - Other categories used within the organisation by members outside the official setting?
- The Nepali LGBTI movement
    - Account of the emergence of the LGBTI movement in Nepal and your/your organisation's role in it?

- LGBTI Partners/allies

  - Who are they?
  - When and how did you establish partnerships with them?
  - What type of partnership? What kind of support or collaboration?
  - Closest partners/allies? Why?
  - What benefits of partnership?
  - Any constraints?

- Other allies?
  - I/NGOs and donors
  - Women's movement
  - Politicians
  - Individuals

- Any other Nepali LGBTI groups or activists you do not yet work with?

- Organisational and personal politics
  - identity
  - politics specific to LGBTI individuals
  - queer/LGBTI politics outside Nepal
  - human rights

- Conclusion
  - Summary of the interview
  - Opinion regarding the interview
  - Any questions?

Interview guideline for (non)LGBTI allies in the first phase of the research (i.e. advocates, representatives from (non-queer) activist networks/organisations, I/NGOs, donor agencies, individuals)

First name:

Organisational affiliation(s):

Plain language sheet

Consent form

- Involvement in drawing of the 2007 Supreme Court petition
  - Involvement in what capacity?
  - Why involved?
  - Any kind of prior partnership with one of the organisations which filed the petition? Since when?
  - Contributions towards the petition-writing process?
  - Issues debated during the writing process?
  - Decision-making procedure?
  - Who was involved in making final decisions? Why?
  - Decisions made during this process? Reason for making these decisions?
  - Thoughts regarding decision-making process adopted?

- Involvement of others in the 2007 petition
  - Who else was involved?
  - In what capacity?
  - Why were these particular actors involved? Why not others?
  - Thoughts regarding their roles in drawing the petition? What influence? Why (not)?

- Explanations for the petition
  - Reasons for going down a legal route
  - Reasons for drawing the petition in 2007
  - Any thoughts regarding this process? How useful has it been nationally and internationally? In what way?

- Anyone else involved in supporting the petition?
  - I/NGOs and donors
  - Women's movement
  - Politicians
  - Individuals

- Organisational and personal politics
  - identity
  - politics specific to LGBTI individuals
  - queer/LGBTI politics outside Nepal
  - human rights

- Any further contacts for interviews?

- Conclusion
  - Summary of the interview
  - Opinion regarding the interview

- Any questions?

Interview Guideline for national activists in the second phase of study

Personal details:

First name:

Organisational affiliation(s):

Plain language sheet

Consent form

- Involvement in the organisation/LGBTI movement
  - Since when?
  - Why?
  - In what capacity?
  - What kind of contribution/work?
  - Thoughts on this?
- Structure of the organisation/group?

- Working modality of the organisation? Priorities? Strategies?
- Thoughts on this?
- Partnerships (national and international)
    - With whom? Since when? How did you come in contact?
    - What kind of partnership?
    - What kind of activities carried out within partnerships? What kind of support provided and received?
    - Frequency and mode of interaction?
    - Any thoughts on partnership?
- Donors
    - Who? Since when? How did you come in contact?
    - What type of relationship?
    - What kind of activities do donors fund?
    - What are donor requirements? How do you meet them?
    - Benefits? Constraints?
    - Thoughts on this relationship?
- Organisational and personal politics
    - identity
    - politics specific to LGBTI individuals
    - queer/LGBTI politics outside Nepal
    - human rights
- Conclusion
    - Summary of the interview
    - Opinion regarding the interview
    - Any questions?

Interview Guideline for allies in the second phase of study

First name:

Organisational affiliation(s):

Plain language sheet

Consent form

- Involvement in the organisation/LGBTI movement
    - Since when?
    - Why? (in case of involvement in LGBTI movement)
    - In what capacity?
    - Structure of your organisation/group?
    - Working modality of the organisation?
    - Priorities? Why these specific priorities?
    - Strategies? Why these specific strategies?
- Partnerships with Nepali LGBTI movement/organisations
    - With whom? Since when? How did you come in contact?
    - What kind of partnership? Why?
    - What kind of activities carried out within partnerships? What kind of support provided and/or received?
    - Frequency and mode of interaction?

    - Any thoughts on partners and the nature of partnership?

Additional questions to donors:

- How are programmes and projects decided?
- What is the reporting mechanism?
- Is there room for change in terms of projects or programmes? Any examples? (to show how flexible it might be to accommodate needs of the community or the NGO)

- Organisational and personal politics
    - identity
    - politics specific to LGBTI individuals
    - queer/LGBTI politics outside Nepal
    - human rights
- Conclusion
    - Summary of the interview
    - Opinion regarding the interview
    - Any questions?

Appendix D: List of activists interviewed

Participant no.	Date(s) interviewed	Organisation/group affiliation at time of interview	Position
Activist 1	27/10/16 & 17/08/17	BDS, Kathmandu	Management
Activist 2	28/10/16 & 29/08/17	Inclusive Forum Nepal, Kathmandu	Management
Activist 3	28/10/16	Inclusive Forum Nepal, Kathmandu	Part-time staff
Activist 4	10/11/16 & 27/11/16	Mitini Nepal, Kathmandu	Management
Activist 5	10/11/16 & informal interview	Mitini Nepal, Kathmandu	Independent supporter
Activist 6	10/11/16	BDS , Kathmandu	Part-time staff
Activist 7	10/11/16	Mitini Nepal	Independent supporter
Activist 8	11/11/16	BDS- affiliated CBO, Kathmandu	Part-time staff
Activist 9	11/11/16	NGO, Kathmandu	Independent activist
Activist 10	11/11/16	Mitini Nepal, Kathmandu	Independent supporter
Activist 11	15/11/16	BDS, Kathmandu	Advocate
Activist 12	16/11/16	GASP, Kathmandu	Member
Activist 13	22/11/16 & informal interview	BDS, Kathmandu	Advocate
Activist 14	22/11/16	GASP, Kathmandu	Member
Activist 15	23/11/16	GASP, Kathmandu	Member
Activist 16	28/11/16	BDS, Kathmandu	Full-time staff
Activist 17	02/12/16	Mitini Nepal	Independent supporter
Activist 18	05/12/16 & informal interview	BDS, Kathmandu	Full-time staff
Activist 19	06/12/16 & informal	BDS, Kathmandu	Full-time staff

	interview		
Activist 20	07/12/16 & informal interview	BDS, Kathmandu	Full-time staff
Activist 21	08/06/17	BDS, Kathmandu	Full-time staff
Activist 22	14/06/17 & informal interview	NGO, Kathmandu	Independent activist
Activist 23	30/07/17	Mitini Nepal	Independent supporter
Activist 24	31/07/17	Mitini Nepal	Independent supporter
Activist 25	31/07/17	Mitini Nepal	Ex staff member
Activist 26	01/08/17	BDS-affliated CBO outside Kathmandu	Full-time staff
Activist 27	01/08/17	BDS-affliated CBO outside Kathmandu	Independent supporter
Activist 28	02/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 29	02/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 30	03/08/17	BDS-affliated CBO outside Kathmandu	Full-time staff
Activist 31	03/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 32	03/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 33	03/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 34	03/08/17	BDS-affliated CBO outside Kathmandu	Part-time staff
Activist 35	14/08/17 & 15/08/17	BDS, Kathmandu	Management
Activist 36	16/08/17	BDS, Kathmandu	Ex-member
Activist 37	17/08/17	FSGMN, Kathmandu	Full-time staff
Activist 38	17/08/17	BDS, Kathmandu	Management
Activist 39	27/08/17	NA, Kathmandu	Independent activist
Activist 40	29/08/17	BDS, Kathmandu	Management

Activist 41	29/08/17	IFN, Kathmandu	Part-time staff
Activist 42	12/09/17	CORE Nepal, Kathmandu	Founding member
Activist 43	15/04/18	BDS , Kathmandu	Ex staff member

Appendix E: List of donors and allies interviewed

Participant code	Date of interview	Organisation/group affiliation at the time of interview	Position
Donor 1	27/11/16	International LGBT organisation, [place withheld]	Full-time staff
Donor 2	14/06/17	Bilateral donor, Kathmandu	Full-time staff
Donor 3	23/06/17	INGO, Kathmandu	Full-time staff
Donor 4	03/07/17	Feminist NGO, Kathmandu	Founder
Donor 5	31/08/17	INGO, Kathmandu	Full-time staff
Donor 6	26/07/19	Regional women's NGO, [place withheld]	Full-time staff

Participant code	Date of interveiw	Organisation/group affiliation at the time of interview	Position
Ally 1	23/10/16 & 12/09/17	International Human Rights NGO, Kathmandu	Advocate
Ally 2	28/10/16	International Human Rights NGO, Kathmandu	Head
Ally 3	16/11/16	International Human Rights NGO, Kathmandu	Independent consultant
Ally 4	29/11/16	TU, Kathmandu	Anthropologist
Ally 5	02/12/16	Feminist NGO, Kathmandu	Chairperson
Ally 6	06/12/16	National Human Rights Commission, Kathmandu	Government employee
Ally 7	11/12/16	TU, Kathmandu	Anthropologist
Ally 8	25/03/17	Alternative Law Forum, Bangalore, India	Advocate
Ally 9	13/04/17	Independent consultant, United Kingdom	Anthropologist
Ally 10	06/06/17	Women's rights network and organisation, Kathmandu	Chairperson
Ally 11	19/06/17	UN agency, Kathmandu	Country Director
Ally 12	03/07/17	International Human Rights NGO, United States	Researcher
Ally 13	10/07/17	Feminist human rights organisation, India	Independent activist
Ally 14	10/07/17	Queer feminist organisation, India	Consultant, Activist
Ally 15	10/07/17	Queer feminist organisation, India	Consultant, Activist

Ally 16	15/07/17	International Human Rights NGO, United States	Researcher
Ally 17	02/08/17	Sex workers' organisation, Nepal	Chairperson
Ally 18	15/08/17	Law Firm, Kathmandu	Lawyer
Ally 19	16/08/17	Human Rights NGO, Nepal	Executive Director and Human Rights Activist
Ally 20	22/08/17	National Centre for AIDS and STD Control, Kathmandu	Government employee
Ally 21	23/08/17	Ministry of Women, Childern & Social Welfare, Kathmandu	Government employee
Ally 22	25/08/17	Women's rights NGO, Kathmandu	Founder

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